

Saudis want negotiated settlement

Saudi Arabia has clarified its Middle East peace proposals by emphasizing that the basis of a settlement would rely on mutual recognition and negotiations between Israel and the occupied Palestinian territories. Prince Saud, the Foreign Minister, repeated this to Lord Carrington who is in Saudi Arabia to represent EEC interest in the eight-point plan. Page 6

Papal Mass at Wembley

The Pope will celebrate Mass at Wembley Stadium as the main event of his visit to Britain next spring, in Richmond Park, as previously planned. Cardinal Hume said the decision was made because of worries about the Pope's health. Page 3

Canada reaches agreement

Mr Pierre Trudeau and nine provincial premiers reached a compromise agreement on changes to Canada's constitution, clearing the way for its patriation from Britain. Mr René Lévesque, the Premier of Quebec, was the only provincial leader to oppose the accord. Page 5

Moderate is new PLP chairman

In a victory for Labour moderates, Mr John Dornan, MP for Ruislip and a former vice-chairman of the party, has been elected as the new chairman of the Parliamentary Labour Party. Mr Ian Mordant, the left-favoured candidate, who won 55 votes against Mr Dornan's 102, withdrew after the first ballot. Ex-minister's SDP talks, page 2

Confusion at the petrol pumps

Drivers face confusion at petrol stations this weekend because of fuel increases and local price variations. The leading oil companies, Esso and Shell, have raised their prices by 10p a gallon, while B.P. has increased by 8p. Page 2

Mugabe threat to seize land

Zimbabwe's President Robert Mugabe has threatened to seize land owned by whites in Britain. He said the land, which is used for tourism, should be used for the benefit of the black population. Mr Robert Mugabe, the Prime Minister, said. Page 3

EEC funds for Britain freed

The European Parliament has rejected a recommendation of the British Government to freeze £40m of EEC funds for Britain. The Parliament has decided to release the funds, which are used for various projects in Britain. Page 3

World tennis on new circuit

World Championship tennis, the Dallas-based promoters, are to end a four-year association with the grand prix series and run a separate circuit of 22 tournaments next year. The new series will lead to two sets of computerized rankings. Page 24

US action on steel dumping

The Reagan administration is to file an anti-dumping case on behalf of American steelmakers against European producers. Mr Malcolm Baldrige, Commerce Secretary, refused to name the countries involved but France, Belgium, Luxembourg and Romania are said to be likely candidates. Page 12

'Preview' with today's Times

Today's Preview, the arts and entertainment guide published each Friday with The Times, contains news of Yoko Ono's plans to write a book about her life with John Lennon, a guide to next week's international tennis tournament at Wembley, and comprehensive information on theatre, films, music, galleries, outings, broadcasting and other activities in Britain. Leader page, 15

Letters: On Ulster, from Mr R. L. McCartney, QC; political alliances, from Dr David Owen, MP; Canada's Constitution, from Dr Geoffrey Marshall. Leading articles: Dr Arthur, Nicholas.

Features: page 14
A. J. Ayer on why the Dr Arthur verdict is right; David Watt previews the Labour Party conference on foreign affairs; can anyone save the castle where Prince Albert was born? October, page 17
Dr Michael Clynne, Mrs Jean Haughton-James.

Home News 2-5
Motoring 2-5
Overseas 2-5
Parliament 2-5
Appointments 2-5
Arts 18-22
Business 18-22
Science 23-25
Crossword 23-25
TV & Radio 23-25
Diary 23-25
Events 23-25
Law Report 23-25
Laurie cartoon 12

Weinberger rejects Haig nuclear warning

From Nicholas Ashford, Washington, Nov 5

Two of the superpowers with the Reagan Administration, on whether NATO's contingency plans include the use of nuclear weapons to deter the Soviet Union from trying to overrun Europe.

Appearing before the Senate Armed Services Committee today, Mr Alexander Haig, the Secretary of State, said NATO had a plan to fire a nuclear demonstration shot. Mr Weinberger, the Defence Secretary, had denied yesterday's statement by Mr Alexander Haig, the Secretary of State, that NATO had a plan to fire a nuclear demonstration shot.

Mr Haig, in evidence to the Senate foreign relations committee yesterday, said that there is nothing in any of the plans at this time that even resembles this, nor should it.

Mr Haig, who was Supreme Commander of Allied Forces in Europe from 1975 to 1979, said in testimony: "There are contingency plans in the NATO doctrine to fire a nuclear weapon for demonstrative purposes to demonstrate to the other side that they are exceeding the limits of tolerance in the conventional area. All designed to maintain violence at the lowest level possible."

Mr Weinberger said that the plan to which Mr Haig was referring was only a suggestion made in the early 1960s by a military planner. During cross-examination by the armed services committee, Senator John Warner, a former Navy Secretary, said he recalled that the warning shot proposal was part of a very early plan, but not one which was being considered.

A State Department spokesman was unable to give an immediate comment on Mr Weinberger's denial. However, State Department officials have pointed out that the suggestion by Mr Haig has long been part of NATO doctrine. It would involve the detonation of a low-yield weapon at a high enough altitude to cause little damage on the ground or at sea.

According to his strategy, the NATO allies would hope that such an explosion would make the Russians pause.

The officials said that although the plan was not new, it had not been highly publicized. But a nuclear expert said today that far from acting as a deterrent, a warning nuclear shot would lead to all-out atomic war.

Mr Herbert Scoville, who served in senior defence and intelligence positions with four administrations, told journalists that the idea of a nuclear warning had been tried during a war game exercise in the 1960s.

He said that one game envisaged firing a nuclear weapon at an enemy tank column. If that did not stop

the peace in Europe for more than 30 years, he said.

Mr Norz said that one sentence taken out of context from an hour-long interview or from a Senate testimony was not even "news as properly defined."

It is the task of the media to report the news. That's true, but it is not its task to manufacture headlines by selective quotation - interpolated with subjective comment which can demoralize the West and weaken its capacity to defend its freedom.

Mr Nott, addressing an audience of American journalists in London, surprised some of those present by the strength of his remarks. He said: "The way in which the BBC, in particular, gave prominence by selective quotation to Reagan and Haig's remarks disturbs me. Such selective reporting does not lead to any greater understanding of the security problems of the West. It merely feeds the fear of war."

It was inexcusable and irresponsible if equal prominence were not given to the simple fact that NATO policies were unchanged after keeping

the Swedish Government dropped a political bombshell today by announcing that the Soviet submarine stranded in a restricted area of southern Swedish waters probably had nuclear weapons on board. Mr Olof Ullsten, the Foreign Minister, said that a further protest to Moscow had drawn no denial and that a naval investigation team had not been allowed to inspect the submarine. The submarine was grounded over a week ago in a sensitive military area near the naval base of Karlskrona. Mr Thorbjörn Fälldin, the Prime Minister, said that the submarine would nevertheless be released.



A warm wool coat with plenty of room for expansion was the Princess of Wales's choice for yesterday's City luncheon (Suzanne McKenzie writes). Western fringing decorated the red velvet-weave tweed coat by the Belgrave House of Belville Sassoon. The cowboy theme was emphasized by the matching waistcoat and skirt that the Princess wore underneath with a Royal blue blouse and matching feathered hat.

Princess expecting a baby in June

By John Witherow and Alan Hamilton

Within an hour or so of the announcement from Buckingham Palace yesterday that the Princess of Wales is expecting a baby in June next year, the Prince and Princess were fulfilling an official engagement in the City of London where the prince spoke affectionately of the overwhelming effect that his wife has on everything.

An announcement from Buckingham Palace said: "The Prince and Princess of Wales, the Duke and Duchess of Edinburgh and members of both families are delighted by the news. The Queen was informed personally by the prince and princess."

"The princess is in excellent health. Her doctor during the pregnancy will be Mr George Pinkey, Surgeon-Gynaecologist at the Queen's."

"The princess hopes to continue to undertake some public engagements but regrets any disappointment which may be caused by any curtailment of her plans."

The baby will be second in line to the Throne. A spokesman at 10 Downing Street said the Prime Minister received the news "with great pleasure and delight." A motion picture of the Prince and Princess was shown in the House of Commons offering their warmest congratulations.

The couple were married on July 29. The princess is 20 and the Prince of Wales will be 33 on Saturday, November 14. The child will be first in line after Prince Charles: if it is a girl she will be replaced as heir by any subsequent male child.

The baby, who will be the first child born to a Prince and Princess of Wales since 1952, will be known by the title of, for example, His Royal Highness Prince David of Wales or Her Royal Highness Princess Mary of Wales.

The princess will continue with most of her public engagements until the end of the year. But the palace announcement that "she regrets any disappointment which may be caused by any curtailment of her planned programme" almost certainly means that proposed visits by the couple to Australia, New Zealand and Canada, planned for next year, will not take place.

However, the princess, who has shown good health and remarkable stamina during a gruelling three-day trip to Wales last week, seems likely to continue being seen in public and will probably attend her first solo official engagement. Continued on back page, col 1

Women cry 'Thank God' as Dr Arthur is cleared

By Arthur Osman, Annabel Ferriman, and Nicholas Timmins

There were cries of "Thank God" from women in the public seats at Leicester Crown Court yesterday when Dr Leonard Arthur, aged 55, the consultant paediatrician from Derby, was found not guilty by a jury of six women and six men of the attempted murder of a 6 ft Down's syndrome baby in July last year.

On the direction of Mr Justice Fargherson, the jury also returned a formal verdict of not guilty on the charge of murder that was withdrawn from their consideration by the judge last week.

Dr Arthur, who had remained impassive as he had done throughout the trial, left the dock to sit with his wife, Janet, and friends in the well of the court when the judge told him: "You may be discharged, Dr Arthur."

The jury had returned to give their verdict after two hours and four minutes of deliberation on the eighteenth working day of the trial.

Mr George Carman, QC, who led for the defence, successfully applied for defence costs to be paid out of central funds, as were those of the prosecution at the judge's order. The preparation of Dr Arthur's defence had been financed by the Medical Protection Society.

The doctor left the court building arm in arm with his wife to face the photographers and to receive the congratulations of well-wishers. He read from a prepared statement and declined to answer any questions.

His first words were of comfort for Mr Malcolm Pearson and his wife, Molly, of Wicks, Derbyshire, whose baby, John, the focal point of the case, died after only 69 hours of life. They had rejected him and Dr Arthur ordered nursing care only and prescribed the drug dihydrocodeine to relieve distress.

Peter Dunn, a paediatrician of international standing from Bristol and a friend of Dr Arthur, was particularly severe about the activities of informers. An anonymous informer had reported Dr Arthur to the organization L.I.P.E., which in turn told the police. The prosecution then ensued.

"I hope that the informers realize the harm that he or she and others like him do to the trust that parents have in the confidentiality of their medical team," Dr Dunn said.

"Do they realize what terrible harm they do to the confidence and trust that exists?" One other feature of the case that had mystified many in court resulted from a "big remark" by Mr Carman in the absence of the jury concerning "31 other cases". The matter was cleared up by the Trent Regional Health Authority.

In a statement, the authority said it was pleased that Dr Arthur had been cleared and hoped that after he had had a short break, he would be able to resume his duties in Derby.

It continued: "During the course of their inquiries the police asked the health authority to provide them with 31 cases of case notes relating to treatment of neonates (newly born children) who had died at Derby hospitals during the past five years."

The notes were said to be required to establish evidence of similar facts in the proceedings against Dr Arthur. The



Dr Arthur and his wife, Janet, outside the Court: "The essence of the relationship between a patient and doctor, parents and doctor, is trust and privacy", Dr Arthur said.

notes requested did not all refer to children under Dr Arthur's care or who had been suffering from Down's syndrome, or who had been treated with DF118 (dihydrocodeine).

"After careful consideration the health authority decided that the request should be refused on the ground that compliance would be a breach of confidentiality. Although Mr Christopher Downing, the administrator at Derby City Hospital, was subpoenaed to produce the case notes for the trial, he was not called by the prosecution."

A member of the Director of Public Prosecutions office said there were no more cases of the type involved in the trial being considered.

Dr Dunn said that the American judiciary in particular was watching the outcome of the case closely, and that the verdict would bring tremendous relief to the profession, particularly those concerned with paediatric work.

Doctors had always tried to help their patients and to advise and support them in agonizing dilemmas. "They have done this because there was no one else to do it. The law has never to my knowledge intervened in this area in the past and therefore doctors have done their best in the circumstances, believing sincerely that they kept within the law, although they realized it was a very narrow boundary they were stepping along."

Dr Dunn said that the two groups of people most interested in preserving the life and health of any individual child were the parents and doctors who were trained and had a philosophy to preserve life and health. "These two groups come to the conclusion, as they do occasionally, that the interests of the child may be best served by the child being allowed to die, not, I must emphasize, killed."

He added: "I hope the person who informed us some time that the Pearson family must have gone through in the last year and a half. I am sure they will never recover from this trauma and the publicity that their private grief exposed to. I wonder if the informant realizes the effect that this accusation has had on Dr Arthur and his family?"

Continued on page 2, col 4

Tory revolt over Bill to peg rates

By Julian Haviland, Political Editor

Anxiety among Conservative MPs was last night fanned into deep resentment by a decision of the Government to publish its highly controversial Bill today to keep down rates, and to ignore urgent requests from highly-placed backbenchers to hold its hand.

Backbenchers complained that the Government's decision to publish at once was a deliberate challenge to its critics in the party to vote against an important element of the legislative programme, if they dared.

Conservative critics were saying that the decision, taken by the Cabinet yesterday, was gravely mistaken and was bound to widen and harden opposition within the party.

Mr Michael Heseltine, Secretary of State for the Environment, whose department has prepared the Bill, has been required to keep down rates, and to ignore urgent requests from highly-placed backbenchers to hold its hand.

The most vexatious of these is the plan to force local authorities to hold referendums before levying supplementary rates above a limit to be prescribed by central government.

Mr Michael Foot, Leader of the Opposition, has described this as "deeply hostile" to democratic principles. Many Conservatives agree, and although ministers are now saying defensively that the Bill will have a limited life, this defence has merely increased their doubts.

The hostile Conservatives are determined to remove the referendum provision. They wholly sympathize with the Government's aim of preventing excessive rate rises, but not by such means.



HAVE YOU FORGOTTEN?

Have you forgotten that tomorrow is Poppy Day? That there are thousands of ex-Service people and their dependants who need our help. It's easy to forget. Yet the victims of world wars and other conflicts live on. (If you can call having insufficient food, clothing or warmth really living.) To help them, please give more for your Poppy this year. You'll be giving them something more to live on than memories.

THE POPPY APPEAL

Confusion for motorists as petrol price war resumes

By David Hewson

Motors face confusion as the petrol pumps once again go through a period of turbulent price increases and local price wars.

The first shot was fired by Texaco which announced yesterday that it will introduce rises averaging up to 4p a gallon from midnight last night. The move could put the price of a gallon of four-star petrol up to £1.75 in some Texaco garages.

Later, Mobil announced that from midnight tonight it will bring in increases adding 3.5p to a gallon of four-star, 2.5p to three-star, and 2.2p to two-star. The three main suppliers, Shell, BP, and Esso, who produce over 90 per cent of the nation's petrol, struck to their present prices, although it is obvious that a new round of increases is on the way.

The division among the companies stems from the delay in the fixing of the price of North Sea crude oil by the British National Oil Corporation. African producers, whose oil is comparable to BNO's, have offered varying prices since last month's OPEC meeting which agreed a new round of increases. But while BNO has stalled, Saudi Arabia has gone ahead with its agreed price rise of 82 on a barrel, bringing the new cost to \$34. That rise has affected Texaco

PETROL PRICE RISES 1981

	'80	'81
January	50	1250
March	200 (Budget)	1350
June	200	1550-1570
July	50	1580-1600
August	50	1640
		1690

Discounting has resulted in some of the increases being absorbed by garages or producers, particularly in towns.

And Mobil particularly, both heavily dependent on Saudi supplies and forced to pay higher prices for them. Other producers which depend more heavily on North Sea oil have seen their price artificially frozen by the continuing uncertainty over what price BNO can eventually ask for its output.

The position is further complicated by the fact that, although all the main oil companies are planning increases, they will maintain their policies of short, sharp price wars in which profit margins are sacrificed to gain volume sales. The result of the latest round of rises is likely to be further confusion among motorists, who may find pump prices for the same product varying by as much as 3p a gallon in garages of the same brand only a few hundred yards apart.

A decision from BNO on a

new price is likely to come within 48 hours of days. It will immediately be followed by price rise announcements from Shell, Esso and BP. But there is a belief within the industry that BNO will not go for as big an increase as was predicted at the OPEC meeting, and possibly one that could keep the price rise for the motorist to 2p a gallon.

If BNO's announcement does mean a smaller increase than that announced by Texaco and Mobil last night, it seems certain that both these companies will have to reduce their prices accordingly.

Oil industry leaders yesterday made clear that their offer of an 8 per cent pay rise to tanker drivers is final, despite a union threat that the country's first national strike of oil distribution workers will start in 10 days' time (David Felton writes).

Esso Petroleum executives said that its 3.1 per cent offer was reasonable and no more money was available. They challenged the Transport and General Workers' Union to put to the men involved the offer, which they said would increase their weekly earnings by £12 to £14 to about £184.

The Government is understood to be consulting oil industry leaders about the introduction of the Administration's contingency plans to use troops to distribute essential supplies.

Sequel to factory airlift

Motors have left country, chairman says

By Donald Macintyre, Labour Correspondent

The company which organized Wednesday's airlift from a picketed Manchester engineering factory said yesterday that the electric motors which had been removed had been flown out of the country.

Mining Supplies Ltd, the company which owns the Lawrence Scott factory in Openshaw, also denied union claims that the motors were destined for Polish submarines being refitted at Vickers shipyard in Barrow.

The denial came as Mr. Charles Morris, MP for Openshaw, called in the House of Commons yesterday to demand an explanation by Mr. William Whitelaw, the Home Secretary, of why more than 100 police co-operated in the airlift.

Mr. Morris said that it was widely believed that the helicopter pilot breached air regulations for helicopters in heavily organized and built-up areas of the city. Mr. Francis Pym, the leader of the House, said he

would pass the request on to Mr. Whitelaw.

Mr. Arthur Snipe, chairman of Mining Supplies, said yesterday: "The motors were needed for an urgent export order which has now been fulfilled. They were flown to a point of embarkation." He said the customer was in "the southern hemisphere".

He said the operation, carried out by eight masked men, using two helicopters, had cost about £5,000 and had not involved his own employees.

Mr. Douglas Daniels, the local engineering union district secretary, said yesterday that the men at Lawrence Scott did not accept the denial and still believed that the motors would go to the Vickers yard in Barrow.

He had written to see 350 AUEW officials seeking to ensure that the motors would be blocked. "We are confident that we can prevent this equip-

ment being used," he said.

Mr. Snipe also denied that there had been any breach of air traffic regulations. "The airlift was brought to a fresh climax a dispute over jobs which began at the end of April and has dragged on in an atmosphere of steadily increasing bitterness."

The company which until the spring made and refurbished electro-motors, including those used in Polish and hunter-killer Royal Navy submarines, was taken over by the Doncaster-based company Mining Supplies last October.

Although the company had given assurances about employment, it decided early this year that with Lawrence Scott losing an estimated £4m a year, it could not keep the plant open and would have to transfer production to Norwich.

Shortly afterwards 650 workers began their occupation which lasted until August 17 when bailiffs broke into the

factory with what local MPs and union officials claimed was excessive force.

A picket line, which has remained although more than half the original workforce is no longer involved in the dispute, has threatened management attempts at moving motors valued at £400,000 at the beginning of the dispute.

Mr. Snipe said that executives who have visited the plant have received threatening telephone calls.

What appeared the last hope of solving the dispute came two weeks ago, when Mr. Snipe offered to reopen the factory with employment on a full 40-hour week for between 150 and 175 employees.

The shop stewards rejected that, insisting that the full 230 workers still involved in the dispute should be reemployed. Mr. David Emsall and Mr. John Garrett, two Norwich Labour MPs yesterday condemned the helicopter airlift.

IN BRIEF

Girl murdered in woods

Police were yesterday hunting the killer of Pamela Hastie, aged 16, who was battered to death as she took a short cut home from school through woods in Johnstone, Renfrewshire.

Her body was found half-covered in leaves yesterday morning. Police said sex was the motive for the murder.

Legionnaires' disease kills coach tour man

A miner who recently returned from a Continental coach tour has died from legionnaires' disease. Mr. Clifford Williams, aged 57, came from Southsea, near Wrexham. Meanwhile, a steelworker who has never been abroad is in hospital in Airdrie with the illness.

Helicopter hunt off

A second attempt to raise the wreckage of the rig workers' helicopter which crashed in the North Sea in August, killing 13 men, was abandoned yesterday because the machine had sunk deep into the sands.

Prisoner recaptured

Duane Lee Berry, aged 19, a Reading jail prisoner who escaped from a hospital, was recaptured yesterday at a house in Egham, Surrey.

Police release three

Two men and a woman were released by Scotland Yard yesterday after being detained since Tuesday with 11 others in connection with the recent London bombings.

Dispute closes schools

Almost all Coventry children will be told to stay at home until further notice after school today because of a public employees' strike in protest at cuts imposed on the city council by a referendum.

Typists stay out

The 350 Liverpool Corporation typists and machine operators who have been on strike for five months over a pay claim voted overwhelmingly at a mass meeting yesterday to extend the stoppage.

Death mask on show

North Yorkshire police yesterday displayed a life-like wax death mask of an unknown woman whose decomposed body was found near Thirsk last August. It is believed to be the first time police have used the facial reconstruction method developed by archaeologists.

Science report

Japan and Britain join forces on space

By Pearce Wright, Science Editor

Negotiations are well advanced for a series of collaborative research programmes between United Kingdom and Japanese universities and institutes in the space sciences, biotechnology and molecular sciences, Professor John Kingman, the new chairman of the Science and Engineering Research Council, said in London yesterday.

Presenting the organization's annual report accounts for £200m spent last year on basic academic research, he pointed to this form of international cooperation as an important direction for research in the future.

The foundation for collaboration was laid by a mission from the research council and the Royal Society to Japan in August. This was the first of a series of visits to the main areas of possible work.

Professor Kenneth Pounds, FRS, chairman of the council's astronomy, space and radio board, suggested that the space sciences were the field in which there was the best opportunity for joint research.

He said the Japanese have a 20-year programme of space exploration and development, and they are investing each year as much as the whole of Europe.

Professor Pounds thought the Japanese were seeking an alternative to the United States for collaboration. But Professor Kingman placed greater emphasis on international projects that should involve three or four partners.

He said that if scientists expected the large type of central research laboratories with special equipment needed for new areas of investigation, then it must be done with our European neighbours and in wider ventures. Hence the council is looking for partners in a £15m apparatus, a Gallathea Neutron Source, under construction at the Rutherford Appleton Laboratory in Chiltonshire. When complete it will cost £2m to £3m a year to run experiments on, and the council is seeking ways of offsetting the costs.

INQUIRY ON AUCTION PREMIUMS

By Our Sales Room Correspondent

The legality of the buyers' premium charged by Sotheby's and Christie's is under investigation by the Office of Fair Trading. It has written to the British Antique Dealers' Association and the Society of London Art Dealers, the two dealers' associations, to ask for information.

A case brought by the two associations, alleging that the charge was illegal because the auctioneers had extended over its introduction in 1975, was settled out of court last month.

Overseas selling prices
Australia \$2.20, Canada \$2.00, France 1.80, Germany 1.60, Hong Kong 1.40, Italy 1.20, Japan 1.00, New Zealand 1.10, Norway 1.30, Sweden 1.50, Switzerland 1.70, Taiwan 1.90, Thailand 2.10, USA 2.30, West Germany 2.40, Yugoslavia 2.50.

Former Labour minister in talks with SDP

By Anthony Beving, Political Correspondent

Mr. John Grant, a former Labour minister, is talking with Social Democrat leaders before making a final decision on whether to switch parties in the Commons.

The MP for Illingdon Central caused considerable surprise last month when he held his constituency party general management committee that he did not wish to be considered for reselection as Labour candidate at the next election.

Mr. Grant has since made no statement of his intentions but it was learnt last night that exploratory talks have been held with Mr. William Rodgers, of the SDP, and others.

Although there are policy differences between Mr. Grant and the Social Democrats, they do not amount to a big obstacle. The Social Democrats regard Mr. Grant as a potential first-class catch because he did not face an immediate threat of not being selected as Labour candidate, and because of his frontbench experience.

If Mr. Grant did decide to make the switch, and a state-

ment can be expected by the end of the month, he would be following six other Labour MPs to join the SDP after voting for Mr. Denis Healey in the September deputy leadership contest.

Mr. Wedgwood Benn's supporters are waiting for nine Healey supporters to go before making their own declaration that Mr. Healey won the contest on the votes of "traitors".

If those nine MPs had failed to vote, Mr. Benn would have won.

Mr. John Speller, the national officer for the electricians' union, has been chosen by the Labour Party to contest the Northfield constituency in Birmingham at the next general election (our Birmingham correspondent writes). The Conservative majority over Labour was 204 in 1979.

Mr. Susan Reeves, a speech therapist, has been chosen by the Labour Party to succeed Mrs. Shirley Williams, who lost the seat in 1979.

Crosby by-election, page 5

MP wants succession law altered

By George Clark

While most MPs were content yesterday to join in the congratulations being offered to the Prince and the Princess of Wales on the news that a baby is on the way, Mr. Michael English, Labour MP for Nottingham, West, who makes a study of constitutional law and is an expert on parliamentary procedure, decided that he must take action at once to try to change the royal right of inderogation.

He announced that he will introduce a private member's Bill to amend the Act of Settlement dealing with succession to the throne to provide that the eldest child in any given generation shall succeed, irrespective of sex.

The law is that the oldest male child shall succeed, taking precedence over princesses. Mr. English claims that he will have most MPs, the Equal Opportunities Commission, women's "lib" organisations and even Mrs. Margaret Thatcher on his side, not to mention the great British public and the people of the Commonwealth.

"While, in the light of today's news, we would all wish to congratulate the royal couple, it is now a matter of some urgency that we should revise our ancient law of succession to the Crown in the way that the Swedes did in 1979," he told a hurriedly-summoned press conference at the House of Commons.

Mr. English said he would like to get his Bill on to the statute book quickly because he wanted it to be law when the baby was born, in case it should be a girl. There might be legal difficulty otherwise.

"I believe in the equality of succession," Mr. English said. "I do not believe in discrimination against either man or woman, indeed, in many respects that equality is the law of the land, except for royalty, retirement pensions and a few other things."

'No more fear of spies' after Down's verdict

Continued from page 1

When Mr. Malcolm Pearson, the dead baby's father, heard of the acquittal he said: "Justice has been done. My wife and I have been worried stiff by the case. We are sure that everything that Dr. Arthur did was for the best for our child and our family. He really tried his best."

Dr. John Lorber, former Professor of Paediatrics at Sheffield University, said, in a reference to the fact that it was Life that had reported Dr. Arthur, that doctors would no longer have to look over their shoulders for spies.

The British Medical Association said the acquittal made further prosecutions of doctors who allowed handicapped babies to die much less likely. Dr. John Howard, secretary of the association, said: "I hope that the Director of Public Prosecutions will now realise that it is not appropriate to bring criminal proceedings against honest and distinguished paediatricians."

The BMA and the British Paediatric Association said that, despite public concern about the case, they did not think that new guidelines for dealing with handicapped newborn babies were necessary or possible. "This issue is not black or white. Each case has to be assessed separately and each case is different," Dr. Howard said.

Demands for guidelines to protect handicapped babies had come from MIND, the national association for mental health, which said it was time that the law and society acted.

"We do not allow parents to refuse blood transfusions for their children," MIND said. "We do not allow them to have their children sterilized. Why do we allow parents to take a decision to allow their child to die? It is saying that we value the

life of a handicapped child less than that of another child in a civilized society that it is unacceptable."

The verdict was condemned by LIFE, an organization originally set up to fight the Abortion Act, 1967, but which has since been campaigning on the issue of "mercy killings".

"The verdict gives carte blanche to give treatment to patients who are unwanted or handicapped or both, that will result in their death," Mrs. Nuala Scarisbrick, LIFE's founder and organizer said. Now to be unwanted is to be guilty of a capital offence.

"The verdict has grave implications for the confidence that the public can repose in doctors. Unless there is an appeal, which I very much hope for, doctors have been given carte blanche to decide on non-medical grounds what treatment to give patients. A mother who goes into hospital will have to state very clearly that she wants her baby to live."

Despite criticism of LIFE for allegedly interfering in relations between doctors and parents, Mrs. Scarisbrick said the organization would continue to report to the police any similar cases that came to its notice. "This has not altered our determination to try to protect the helpless and unwanted, before or after birth."

Cardinal Basil Hume, Archbishop of Westminster, said that he could not comment on the Arthur case in particular, but the right to life was not to be given or taken away by the law, nor by parents, nor doctors, but was a fundamental right society must respect. (Our Religious Affairs Correspondent writes).

It was important that the public should not believe that the life of a handicapped baby was subject to the wishes of parents, or the judgment of society. "Nothing can ever morally justify an action which deliberately aims to destroy the life of a new individual."

Moss Side petrol bomber jailed six years

From Our Correspondent, Manchester

A petrol bomber in Manchester's Moss Side riots was jailed for six years yesterday. Gerald Meade, aged 19, of Edith Avenue, Moss Side, with others broke into a hardware shop in Princess Road and petrol-bombed it, Manchester Crown Court was told.

The fire brigade could not get to the fire immediately because of the crowds, and damage estimated at more than £100,000 was caused. Mr. Caines, Geesey, for the defence, said Mr. Meade had been swept along in the events of the night and had joined in with others. He had been in custody since July.

Mr. Meade, who admitted burglary and arson at the shop, asked for a further 27 offences to be considered, all arising from the same disturbances. Mr. Howard Bentham, for the prosecution, said that when interviewed by the police Mr. Meade had said: "We just stood there and watched it burn, and everyone thought it was a big joke."

Water leaders reject offer

By David Felton, Labour Reporter

Leaders of the country's 32,000 water and sewerage workers, who in the last two years have gone to the brink of calling a national strike, yesterday rejected a pay offer worth about 6.7 per cent.

Union negotiators said it did not meet their claim for an increase in line with the rate of inflation, or their insistence that water workers should move higher up the earnings league with pay comparable to that of manual workers in the gas and electricity industries.

The National Water Council, which negotiates on behalf of

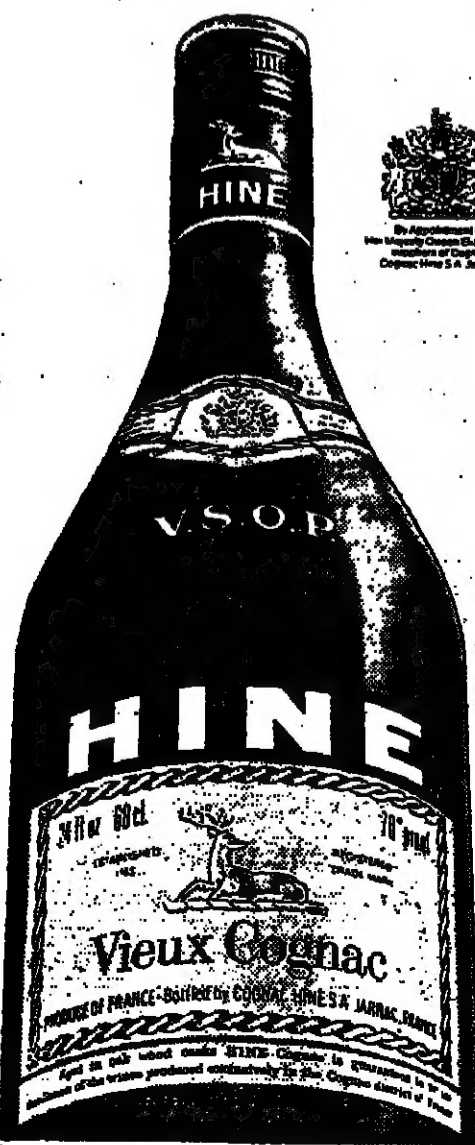
the regional water authorities, said that it could not afford a higher offer.

About 1,500 water and sewerage technical staff who control North Sea gas terminals and the grid distribution system are to strike from Monday in a dispute over improvements in hours of work and allowances.

The belong to the National and Local Government Officers Association (NALGO).

NALGO has also decided to hold a ballot on a strike by 160 most inspectors who have been working to rule.

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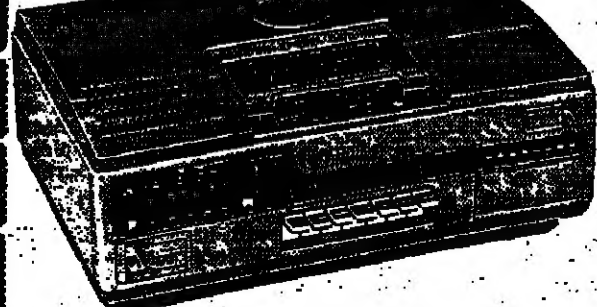
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Britain condemned again on mental patients' rights

The Government was found yesterday to have broken the European human rights convention for the seventh time by denying mental patients proper rights of appeal against their detention.

In a unanimous decision, seven judges of the European Court of Human Rights in Strasbourg said that the United Kingdom had broken Article 5 (4), which says that anyone deprived of his liberty must be able to challenge that in a court. It is the third time this year that the court has judged Britain to be in breach of the convention.

Yesterday MIND, the mental health charity, called on ministers to change the law to give the 4,000 compulsorily detained mental patients the right to a hearing in a court or independent judicial body.

At present, they can appeal to a mental health review tribunal, which can then recommend release to the Home Secretary. But the Home Secretary has the final say.

Mr Larry Gostin, MIND's legal director, said: "The importance of this case is that it goes to the heart of the way we take our decisions, with the Home Secretary making up his mind behind closed doors, not giving his reasons or hearing from the person concerned. It is against the rules of natural justice."

It is understood that the Mental Health (Amendment) Bill, which has been drafted to reform the 22-year-old mental health legislation and will be published shortly, does not meet the criticisms of the European judges. It is likely to be amended further during the passage of the Bill through Parliament.

MIND said the decision was a landmark in the history of mental health and would revolutionize thinking about mental health legislation, as well as about the Home Secretary's discretion in other areas, such as immigration and parole.

"The case is of fundamental and constitutional importance," Mr Gostin said.

The judgment also cast doubt on the effectiveness of the ancient English writ of Habeas Corpus, whereby individuals are theoretically able to challenge their detention. The Strasbourg court said it did not provide a sufficient remedy in this case.

The patient in this case, whose name is not being released but who was represented in Strasbourg by Mr Michael Napier, a Sheffield solicitor, is now dead. He was recalled to Broadmoor, top security hospital after having been conditionally discharged for three years, but was not given reasons for his arrest.

The Home Office has now changed the arrangements for recalling patients so that they are told why they are being brought back to hospital. The man had been recalled to Broadmoor after a non-violent argument with his wife and then spent two more years in the hospital, leaving in 1978.

He had originally been sent to Broadmoor after a conviction of wounding with intent in 1968, but he was never able to have that decision reviewed by an independent body.

"It is a tremendous victory after seven-and-a-half years' work," Mr Napier said. "I cannot ask what my client feels because he is not here, but his family will probably say they are very pleased when they hear."

The family are expected to seek compensation in the case. The court found that the man was not unjustifiably deprived of his liberty and that the recall was justified as an emergency measure. It therefore found there was no violation of Article 5(1).

Papal Mass will be at Wembley Stadium

The big London event of the Pope's visit to Britain next spring will be a Mass at Wembley Stadium, not Richmond Park, as previously planned.

Cardinal Home, Archbishop of Westminster, said yesterday this was one of the results of "scaling down" the visit in the light of the Pope's state of health, and the need to restrain the cost of the visit.

The Pope will arrive at Gatwick Airport on May 28. His provisional itinerary still includes London, Liverpool, Manchester, York, Glasgow, Edinburgh and Cardiff, from where he returns to Rome.

In Coventry, a Mass will be celebrated at Baginbun Airport on Whit Sunday. The Pope will also preside at Mass in Manchester and hold a celebration in Liverpool and York, before flying north for the Scottish part of his visit. That will be organized by the Scottish bishops.

His pilgrimage to Canterbury Cathedral as the guest of the Archbishop of Canterbury, Dr Robert Runcie, remains the ecumenical high spot of the visit, which is also likely to include a courtesy call on the Queen. The details of that, the Cardinal said, have still to be worked out between Buckingham Palace and the Vatican.

The Pope recently emphasized the ecumenical dimension to his visit, the Cardinal said, although it was officially "a pastoral visit to the Roman Catholic community in Britain."

The Cardinal, who said the bishops of England and Wales were preparing to send back ground material to the Pope, believed the visit meant a great deal to him.

"It is a very personal thing. He really is anxious to come to us. I think he has a very considerable respect for this country, and a great interest in us," the Cardinal said.

Cardinal Home was speaking at a press conference at the conclusion of a meeting of the Bishops' Conference of England and Wales, which discussed the itinerary of the visit.

Mr Ognall said Miss Collison had also been blackmailing Mr Vickers since early 1978. Mr Vickers said: "On the strict definition not. On the less strict definition, there was an attempt to obtain money or goods by threat."

Mr Ognall said: "Here was this woman blackmailing you in the broadest sense of the word, disturbed from time to time, very discreet, but a woman who on occasion you felt should be in Broadmoor and when she suggests you write out a fake prescription without demur, you do so."

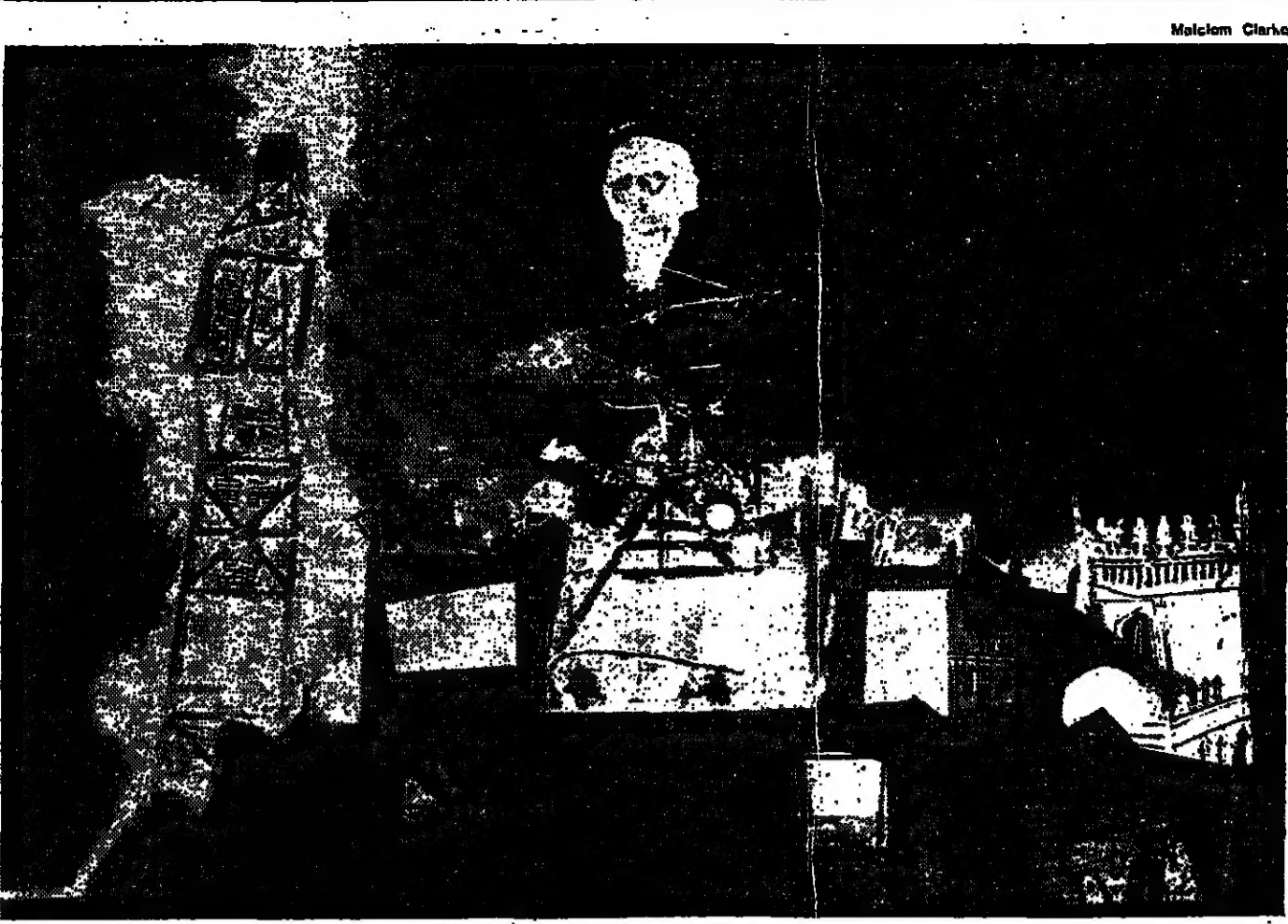
Mr Vickers replied: "As the time of writing it, I hope her previous behaviour was reformed. I didn't see what was coming."

Referring to letters written to Miss Collison by Vickers, Mr Ognall read a passage which said: "No news is bad news. Obviously we must continue taking the medicine."

Asked to explain, Mr Vickers said: "To put it in vulgar language, I contracted a 'dose' and I was treating both myself and herself. There is no other interpretation." The judge, Mr Justice Boreham, said that by a "dose", he meant venereal disease.

Mr Ognall said: "I suggest you are referring to the drugs being taken by your wife, that is why no news is bad news."

The case was adjourned until today.



A November 5 theatrical celebration in Catford, London, last night, included a fireworks tableau of Parliament in flames. It was commissioned by Labour-controlled Lewisham Council with cash help from the Arts Council.

Costs fail to deter motorists

Private motoring increased in popularity as Britain's main form of passenger transport in the last ten years despite big increases in motoring costs.

Although the cost of motoring rose by 23 per cent in 1980 alone, its share of passenger movement rose from 76 to 82 per cent in the decade, while the railways' share fell from 14 to 7 per cent.

Of that, the cost of bus and average household spending on transport rose to over £16 a week or 15 per cent of domestic expenditure last year, compared with £13 a week or 14 per cent the year before.

Of that, over £13 a week (£10.50 in 1979) went on buying and running cars, £1.09 on bus fares (£0.93 in 1979), and £0.80 (£0.66 in 1979) on rail fares.

But in terms of the actual number of journeys made, walking remained the most common form of travel, with two out of five.

About 81.9 per cent of freight movements went by road (84.1 per cent in 1970, 82.5 per cent in 1979); 5.2 per cent by rail (10.9 per cent in 1970, 9.3 per cent in 1979); and the remainder by coastal shipping, waterways, and pipeline.

Surgeon 'committed professional suicide'

Paul Vickers, the surgeon charged with murdering his wife, agreed with the Crown yesterday that to entrust to Miss Pamela Collison, his former mistress, a prescription made out in a false name was professional suicide.

Miss Collison, aged 34, of Mansfield Road, New Barn, Herts, is charged with the murder of Mrs Margaret Vickers, 42, of 10, St. James's Place, London, in 1978.

Mr Harry Ognall, QC, for the prosecution, said in cross-examination at Teesside Crown Court that Mr Vickers was a member of the ethical committee of the General Medical Council.

Mr Vickers, of Moor Crescent, Gosforth, Newcastle upon Tyne, agreed that in writing a prescription intended for his wife in the name of Mrs Alabaster amounted to professional misconduct. He said he would have considerable sympathy for anybody who used an alternative name for a relative.

Mr Ognall asked: "If this had been discovered would you expect to have been hauled up before the committee?" Mr Vickers said he would and Mr Ognall suggested that not only would that have ruined his professional character but would have sounded the deathknell of his political ambitions too.

Mr Vickers said: "Absolutely right."

Mr Ognall said that to accede to Miss Collison's proposal that he make out a prescription in a false name was a potential disaster.

He added: "I want to inquire as to the woman you entrusted that passport. I am concerned with your assessment, as given by you to this court, of Pamela Collison up to this time, September 12, when you agreed to this proposal, which was professional suicide. The person into whose hands you put your professional life."

She was hysterical from time to time. Mr Ognall said: "She would cry out 'rape' quite falsely. Miss Collison was, if Mr Vickers's evidence was accepted, perverted in her sexual liaisons. She was a woman in Mr Vickers's judgment mentally disturbed, really amoral, with no perception of right or wrong."

"She could be a screaming fiend, sometimes. She was always striving for dominance, including domination over you."

Mr Vickers accepted that this was his assessment of Miss Collison with the exception of the amoral charge.

Mr Ognall said Miss Collison had also been blackmailing Mr Vickers since early 1978. Mr Vickers said: "On the strict definition not. On the less strict definition, there was an attempt to obtain money or goods by threat."

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Mr Ognall said: "I suggest you are referring to the drugs being taken by your wife, that is why no news is bad news."

The case was adjourned until today.

FIREWORK JOKE MISFIRED

A firework explosion in a car planned as a practical joke misfired because the victim was the son of a diplomat with the Irish Republic's Embassy.

Robert Knight, aged 21, of Rangesfield Road, Bromley, south London, placed theatrical maroon under the bonnet of a car belonging to Mr Felton O'Brien, aged 21, of Orpington, son of Mr John O'Brien, First Secretary, Agriculture, at the Embassy.

The anti-terrorist squad was called in when the firework went off. Bromley magistrates were told yesterday.

Mr Knight admitted criminal damage and was given a 28-day jail sentence suspended for a year.

Relief for ratepayers when snow lies deep and even

However much snow may fall on the east of England this winter, the ratepayers of Suffolk will escape the considerable cost of keeping their rural highways and byways open to traffic. Suffolk County Council has managed to persuade nearly 200 farmers to turn out their ploughs and tractors to clear snow and not charge the county a penny.

Until recently the council had an agreement with farmers, approved by the National Farmers' Union, to pay a countywide total fee of £1,200 an hour for snow clearance. On some days during the 1978-79

NEW TALKS SOUGHT IN TOXTETH

From Our Correspondent Liverpool

Mr Kenneth Oxford, Chief Constable of Merseyside, who was abused and hit with a placard after a meeting with Tuxeth community leaders to discuss the summer's rioting, is to meet them again.

In a letter to ethnic minority leaders, Mr Oxford has promised to bring new proposals for policing in Liverpool's inner city area.

Explaining the plan's delay, he said talks must first be held with the Merseyside Police Authority and Lord Scarman's report had to be read. Recent attacks on policemen had also led to the plan being delayed.

IRAN STUDENTS SENTENCED

Eighteen students from Iran who took over their London consulate in September were each conditionally discharged for two years and ordered to pay £10 compensation at West London Magistrates' Court yesterday.

The students admitted trespassing, criminal damage, and rioting. One other admitted aiding and abetting and received a similar sentence. During the short occupation an estimated £7,000 worth of damage was caused. There was a peaceful demonstration outside the court by a group carrying placards saying "Release the Iranians" and "Drop the charges".

Competition on 'Green Giant' site

An architectural competition for the redevelopment of a 22-acre site on the east end of Vauxhall Bridge, London, was jointly announced yesterday by the Department of the Environment, the Royal Institute of British Architects, and Arunbridge Ltd.

The scheme is thought to be the largest of its kind to be put out for open competition.

The announcement coincided with the disclosure that Arunbridge, which owns the so-called Effra site, immediately upstream from the bridge, had agreed terms for the freehold acquisition of two adjoining pieces of land to the east and west.

The eastward or downstream site, formerly owned by European Ferries, was intended for a 600ft tower block of offices, the "Green Giant". Plans for the scheme which aroused fierce controversy and were rejected last year.

Although the combined sites, which include the Nine Elms cold store at the westward end, present a largely derelict appearance, they are regarded as among the most important in the capital.

The competition will be for a mixed development of offices, flats, shops, leisure facilities and public open space, and the estimated cost is put at between £80m and £90m.

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MURDER OF EX-SPY UNSOLVED

A former British spy and friend of Kim Philby, the KGB mole, was the victim of an unsolved homosexual murder, a London inquest was told yesterday.

Forty prostitutes had been detained during investigations of the killing of Mr Henry Carr, aged 51, but no one had been charged, Supt Brian Sargent told Westminster coroners court. Mr Carr was found naked and stabbed in his burning flat at Cathcart Road, Kensington last February.

Mr Paul Kuipman, the coroner, recorded a verdict of "unlawful killing."

Mr Carr, a former Foreign Office diplomat who was believed to have worked as an agent for MI6, retired from the Foreign Office in 1969. He was the divorced father of two children.

After his retirement his health worsened. "He had deteriorated to such a state, he was almost permanently drinking in one pub or another," Mr Sargent said.

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Ulster rival gun gangs reach an uneasy truce

From Christopher Thomas, Belfast

Rival paramilitary groups in Northern Ireland seem to have come to a deal to end the latest spate of tit-for-tat sectarian murders.

That is despite yesterday's admission by the Ulster Freedom Fighters (UFF) that it had murdered Mr Arthur Betts, aged 35, a member of the Ulster Defence Association (UDA), who was shot in front of his wife and daughter, aged eight, at his home off the "loyalist" Shankill Road in Belfast on Wednesday night. The UFF said he had given information to the police, a claim denied by the police.

However, the increasingly active Irish National Liberation Army, which once operated closely with the IRA but now seems to have the ability to act alone, is believed by sources in west Belfast to have called a halt to murdering prominent loyalists. In return, the UFF, all illegal Protestant group operating within the UDA, has apparently stopped its campaign against republican activists.

There are increasing signs that the UFF is playing a more dominant role in the activities of the UDA and that the demands from some sections of the UDA for a stronger political identity has suffered a setback.

The move towards a harder line coincides with an apparent softening of the acrimony that for years has

existed between the UDA and the Rev Ian Paisley, leader of the Democratic Unionist Party.

Mr Peter Robinson, Mr Paisley's deputy, is involved in the newly revived Ulster Workers' Council, which spearheaded the abortive loyalist strike in 1977. The council seems to be the main basis for the new, closer relationship with Mr Paisley's organisation.

That may help to explain Mr Paisley's recent confidence in promising to put thousands of people on to the streets of Northern Ireland if the British Government allow the concept of an Anglo-Irish council to get off the ground.

The sectarian tensions aroused by the hunger strike and the overriding air of hopelessness and exasperation emanating from the British Government seem to have served to bring the old allies closer together.

In the face of British resistance to setting up an Anglo-Irish council there now seems to be a strong likelihood of limited agreement between Dublin and Westminster on what is being loosely described as a "co-operation council".

Dr Garret FitzGerald, Prime Minister of the Irish Republic, arrived in London today for his first summit meeting with Mrs Margaret Thatcher, Ulster summit, page 12

Early axe for 3 BBC external services

By Kenneth Gossling

Listeners to the BBC's Spanish, Italian and Maltese services were told last night that the services will end at the end of the year, three months earlier than expected. That is because the Foreign and Commonwealth Office has revised its earlier cuts in BBC external services.

The BBC repeated an earlier statement regretting the need to abandon the three services, all on the air for more than 40 years, at a saving of £400,000 a year.

The corporation had calculated that the savings on the services would be required from 1982-83 and that they could operate until March 31.

It is understood that the BBC wanted to continue a reduced service to Spain on tape, but because of lack of funds the Foreign Office made it clear that that would have meant taking resources from elsewhere.

Two services, in Burmese and Somali, were retained and two others, French and Portuguese (to Brazil), are having their budgets halved from the end of next March. The original intention was to end all seven services, saving £3m; that saving is halved under the new package.

Total expenditure on the external services for 1982-83 will now be £60.5m.

BOMB NETTED

A half-ton bomb, thought to be left from the Second World War, was netted by a trawler six miles off the Suffolk coast



Chestnut-seller, BA (York)

Mr Michael Young, aged 25, a graduate in English of York University, who is fed up with being unemployed, has taken to the city's streets peddling hot chestnuts. (Our York Correspondent writes.) Mr Young said that after 18 jobless months he decided he would have to make his own work. A friend put up some money. "I chose to sell hot chestnuts because they are rarely seen but everyone loves them."

GLC chiefs accused of acting like eccentric 1920s socialists

By David Walker

The Greater London Council's leaders had been behaving like their Labour Party forebears on Poplar Council in the 1920's, Lord Denning, Master of the Rolls, was told in the Court of Appeal yesterday.

Mr David Widdicombe, QC, for the Conservative-controlled London Borough of Bromley, referred Lord Denning to "eccentric principles of socialist philosophy" adopted by George Lansbury and other Labour leaders at Poplar before they were stopped by the courts. The GLC's fares policy was parallel, he said.

He asked Lord Denning, sitting with Lord Justice Oliver and Lord Justice Watkins, to overturn Tuesday's High Court decision that the GLC acted lawfully in imposing a supplementary rate to pay for a cut of a quarter in London bus and tube fares.

That judgement was wrong because the High Court had

misinterpreted the Transport (London) Act, 1969, which regulates the finances of London Transport, Mr Widdicombe said. It had wrongly condoned the GLC's policy of "deliberate loss-making on transport at the expense of the ratepayers".

Like the judges in the lower court, Lord Denning and his colleagues declared an interest at the start of the trial. They are all London ratepayers and all travel on London Transport. "Some of us are over age and travel free", Lord Denning said.

Ratepayers seemed to elicit his sympathy. The GLC's autumn supplementary precept of 11.1p a pound of rateable value was "an enormous amount for shops; a very big extra expenditure for those businesses with corresponding effects on the prices we pay for goods".

Bromley's case turned on the exact wording of section 1 of the 1969 Act. That says that London Transport had to run an efficient, integrated, and

economic system. Mr Widdicombe presented definitions of "economic" from *The Oxford English Dictionary* and from Fowler. It meant "run on business principles". It was not the same, he said, as "economical", meaning the avoidance of waste, yet that was the sense in which the High Court had interpreted the Act. Lord Justice Oliver said a question for the court was whether running London Transport on business principles ruled out subsidy from the rates to cut fares. He said: "There seems to be no half way house between a totally free service and one run on business principles".

Mr Widdicombe argued from legal precedent that there were strict limits on fare concessions by local authorities. A case had successfully been brought against Birmingham Corporation in 1955 for giving pensioners free travel rights. The hearing was adjourned until today.

TWO WOMEN ACCUSED OF KIDNAPPING

Two women pleaded not guilty yesterday to conspiring to kidnap the adopted daughter and grandchildren of the Dean of Hereford, the Very Rev Norman Rathbone. Diane Weeks, aged 23, of Brigstock Road, Bristol, and Jean Edwards, aged 29, of Brighton Street, St Paul's, Bristol, were remanded on bail at Stafford.

Treasury reining back on demands for cash cuts

By Peter Hennessy

The Treasury is adopting a much more realistic approach to the quantity of spending cuts it can hope to achieve this year than it did last year according to reports seeping out of Whitehall about the work of the cabinet committee commissioned by the Prime Minister to seek agreement between the Treasury and spending departments.

The committee, known as MISC 62, from its secret Cabinet Office classification, is chaired by Mr William Whitelaw, Home Secretary. Its deliberations seem to have been free of the wishful thinking to which some ministers have been prone in the past about, for example, the possibility of improving dramatically the financial position of the nationalised industries.

It has been a busy week for Mr Whitelaw on the spending front. In addition to steering the work of MISC 62, he chaired the last meeting of MISC 21, the cabinet committee charged with fixing next year's rate support grant for the local authorities. A similar spirit of realism seems to have pervaded its work, not least because the membership of MISC 21 and MISC 62 overlap, as do their Civil Service advisers.

Next Thursday Mr Whitelaw will present a paper to the full Cabinet based on the work of MISC 21. Mr Leon Brittan, Chief Secretary to the Treasury, who has also been exhibiting clear signs of the new realism, will do the same for MISC 62.

The proceedings of MISC 62, which has been dubbed "The Star Chamber" by Whitehall insiders, can be a little unnerving for spending ministers. For example, Mr David Howell, Secretary of State for Transport, who appeared before it last Friday, and Mr Michael Heseltine, Secretary of State for the Environment, who did so Tuesday, were required, like all their colleagues, to defend their budgets without the support of their own officials. Apart from the spending minister under interrogation, those present at MISC 62 sessions in the Cabinet Office are Mr Whitelaw, as presiding judge, and Mr Brittan, taking the role of prosecuting counsel. Mr Patrick Jenkin, Secretary of State for Industry, Mr George Younger, Secretary of State for Scotland, and Mr Michael Jopling, the Chief Whip, also take part in the guise of "the three wise men".

The presence of Mr Younger, Mr Jopling is slightly surprising as neither are seen as ministerial heavyweights nor do they ascribe to the more austere economic theories of the Prime Minister and her closest Cabinet supporters. The only other attendees at MISC 62 are Mr David Moore and Mr David Bostock, from the Cabinet Office's economic secretariat.

Between them, the deliberations of MISC 21 and MISC 62 will have a profound influence on the public spending component of the Government's economic strategy in the coming year as well as on the tactics to be adopted by the Cabinet in the 1982 public sector pay round.

DISPUTE HALTS PAPERS
From Our Correspondent
Peterborough
The East Midlands Allied Press group yesterday suspended publication of the *Peterborough Evening Telegraph* because of a dispute involving the National Graphical Association.

Two weekly newspapers, the *Spalding Guardian* and the *Peterborough Advertiser*, were also halted. More than 100 staff, including 50 journalists, have been told that they will be laid off without pay from today. Production has been hampered throughout the week by sanctions imposed by the NGA which says that it has been refused negotiating rights for members on the advertising sales staff because they are already held by another union, the National Society of Operative Printers Graphical and Media Personnel.

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1979:	New Scotland Yard order IAL Stratus. British Rail buy IAL Medusa data network management system. Houston office opens. Link formed with Cap Gemini Seguel, international systems group.
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هكمان الفضل

Three-year limit on alimony proposed

By Marcel Berlins
Legal Correspondent

The Scottish Law Commission has recommended that the obligation of a husband to maintain his wife (or vice versa) after divorce should normally be limited to three years.

In a report published yesterday the Scottish commission rejects the idea of a continuing financial obligation between divorced spouses. It sees the three-year period as time for rehabilitation — allowing the formerly financially dependent party (usually the wife) to "adjust to independence".

Although the commission's recommendations apply only to Scotland, the English Law Commission has also been studying the financial consequences of divorce, and last week submitted a report to the Lord Chancellor.

It is understood, however, that the English commission's proposals are not as radical as those of its Scottish counterpart.

The Scottish commission's recommendation would not affect maintenance paid to children of the marriage. "There can be no question of a 'clean break' in this type of case. The children remain the joint responsibility of the parties."

The recommendation is that one of the governing principles of the new law should be that "the economic burden of care" in a divorce should be shared fairly between the parties to the marriage.

The concept of equal sharing is applied to a number of the financial consequences of marriage breakdown, on the ground that a marriage while it lasts should be regarded as an equal partnership.

The commission says that the conduct of the parties should not be taken into account when dividing the assets, except where "it would be manifestly inequitable to leave it out of account."

"It would be seen as unjust if a man or woman could simply walk out of a marriage and yet successfully claim that his or her short or long-term difficulties should be met by the other spouse without any regard to conduct."

The commission lays down the following criteria for any new law: "First, the system must be such as could be justified to reasonable husbands and reasonable wives; it must be non-discriminatory as between men and women."

"Second, it must be capable of applying to many different types of marriage — whether long or short, with children or without children, with property or without property, whether housewife-marriages or two-career marriages, whether entered into one year ago or 40 years ago."

"Third, it must be capable of applying to cases where the marriage was ended because of the fault of the person applying for financial provision, or the fault of the other party, or the fault of both, or the fault of neither."

The report discusses at length the law on "alimony", which deals with the obligations to support, and concludes that the only legal obligations should be those between husband and wife while their marriage lasts, and the obligation of both parents to support their children whether legitimate or illegitimate.

Scottish Law Commission: Family Law — Report on Alimony and Financial Provision (Stationery Office, £6.40).

Leading article, page 15

Williams rules out private schools as key poll issue

From John Chartres, Liverpool

Mrs Shirley Williams, the Liberal-Social Democratic Alliance challenger in the Crosby by-election, opened her campaign yesterday with an informal press conference and visits to old people's and pensioners' centres.

Only 24 hours behind the fast-moving Conservative defender, Mr John Butcher, who held his first press conference on Wednesday, Mrs Williams quickly dealt with one of the first local issues to arise: her opposition to private education. She described the raising of that point as "a blue herring".

Several predictions have been made that Mrs Williams may face heavy opposition on that point because of the substantial number of private schools in the constituency. She said she had not the slightest intention of letting the education issue become a campaign on behalf of 10 per cent of the children in the country.

Statistics showed that 92 per cent of the children in Britain were educated at State schools, which were understaffed and short of equipment. The proportion in Crosby was probably a little lower, she admitted, but thought it was still nearly 90 per cent.

The "inescapable" main theme in the by-election had got to be what the Conservative government was doing to the country's economy.

"The Warrington by-election was about what has happened to the Labour Party. This one is going to be about what has happened to the Conservative government", she said.

She said that the seat, with its 19,272 Conservative majority, was "winnable" although it would not be easy.

As earnest party workers dusted hastily acquired trestle tables and desks in her rented campaign headquarters, Mrs Williams said she believed the Prime Minister had called the by-election hastily because the government had some further bad news "coming round the track", including still further cuts in education expenditure. Polling will be on November 26.

She did not think that the speed of events would go against her providing the electorate knew the reasons for it.

She welcomed the fact that her two main opponents were in the extremes of their respective parties: Mr Butcher has declared himself in favour of Mrs Margaret Thatcher's form of conservatism plus support for the restoration of capital punishment; and Mr John Backhouse, the Labour candidate, favours the Benite form of socialism although he dislikes that particular label.



Posted early, not for Christmas, but for the Gillette London Marathon next May 9, Chris Brasher, race director, perches on the tens of thousands of entry forms returned this week to County Hall, London, seeking permission to start.

Royal night out ends in fine for groom

From Our Correspondent
Newbury

A night out with a group including Prince Edward cost Miss Shelley Whitbourn an £80 fine and her clean driving licence yesterday.

Miss Whitbourn, aged 19, who looks after Princess Anne's horses at Gatcomb Park in Gloucestershire, was at the wheel of a Ford Fiesta borrowed from Captain Mark Phillips when she crashed into the back of a trailer carrying a £30,000 vintage Alvis car.

The Alvis was thrown off the trailer and was pushed through a motorway crash barrier with the Ford Fiesta, Mr Denis Burke, for the prosecution, told magistrates at Newbury, Berkshire.

Miss Whitbourn, who was alone in the Fiesta, was taken to the Royal Berkshire Hospital in Reading, where she was detained with concussion, cuts and bruises.

Mr Burke said that the Alvis and the Fiesta were damaged in the accident, which happened at 2.35am on July 31 as Miss Whitbourn was returning to Gatcomb Park along the M4 after her night out in London with the prince and a group of friends. Miss Whitbourn was not in court, but pleaded guilty by letter to careless driving. She was fined £80 and had her licence endorsed.

She wrote that she could not remember much about the accident but accepted that she had been at fault.

Bridport 'is centre for salmon poachers'

From Our Correspondent
Ross-on-Wye

Bridport in Dorset had become the country's main centre for salmon poaching gangs, Mr Michael Burrows, for the prosecution, told Ross-on-Wye magistrates yesterday.

Four men arrested for salmon poaching had, he said, told the police that six or seven gangs were operating out of the Bridport area, and many were professional poachers.

James Gay, of Simene Close, Patrick Ryan, of St Andrew's Road, both Bridport, Roger Follett, of Queen's Road, and Vincent O'Brien, also of Queen's Road, both Skillings, all pleaded guilty to taking 20 salmon from private water on the River Wye. Mr O'Brien and Mr Follett were each fined £600 and Mr Gay and Mr Ryan, £50. The four were each ordered to pay costs of £53 and two dinghies and nets were confiscated.

Mr Burrows said that police officers went to the banks of the Wye at Martin's Pool, near Whitchurch. They saw a man, believed to be Mr O'Brien, in a dinghy. Mr Follett was arrested on the bank and Mr Gay and Mr Ryan on the A40 near by.

Mr Burrows said after the hearing the police believed Bridport had become a poaching centre because it was an important manufacturing base for nets.

Tenor ends court case in harmony

From Our Correspondent
Halifax

An action for damages against Stuart Burrows, the Welsh international tenor, ended in harmony yesterday. He agreed, in an out-of-court settlement, to come to Halifax, Yorkshire, next year, and give a recital at the town's civic theatre.

He was to have sung there in September last year for a fee of £1,500, but the concert, for which 1,000 tickets had been sold, was cancelled when he withdrew after a dispute about the content of his programme.

Halifax Choral Society, the organizers, claimed damages for breach of contract from Melody Music Company Ltd, Mr Burrows's promotion company. On Wednesday at Halifax County Court, Judge Vivian Hurwitz said that Mr Burrows had tried to blackmail the society into letting him reduce his programme.

But yesterday, Mr John Ward, for the society, told the judge that an agreement had been reached. If the case was adjourned indefinitely without an order for costs, Mr Burrows would agree to give a recital on October 13 next year.

CB WARNING OF THE RENT MAN

Councillors at Droitwich, Worcestershire, say tenants are using citizen's band radios to warn each other of the rent man's approach.

They called him "Yogi Berra" in their broadcasts, said Mr David Feather, chairman of Wychavon District Council's housing committee. Many persistently bad payers had CB aereals on their homes.

The council was considering issuing tenants with radios to intercept warnings.

Stress leads to removal of healthy appendixes

By our Health Services Correspondent

Stress could produce appendicitis symptoms and as a result a healthy person might have an appendix removed, the Mental Health Foundation was told at its annual conference in London yesterday.

Dr Francis Creed, of the Department of Psychiatry at the University Hospital of South Manchester, said that of 119 patients he surveyed who had appendicitis operations, nearly half had a healthy or "relatively healthy" appendix.

Patients in the latter group were twice as likely to have suffered from severe psychological stress, caused by serious life crises, in the nine months before their operations than

were genuine appendicitis patients.

"The break-up of a close relationship, passing examinations, trouble with the police or a court appearance, serious rows at work or at home and an enforced change of job were the principal life events that I found to be more common among those developing 'apparent' appendicitis than among a comparable group of healthy young men and women," he said.

The 56 patients with a normal or only mildly inflamed appendix revealed a pattern of severe life events almost identical with those found in people suffering from depression.

PC jailed for assault

A policeman was jailed for two months yesterday for hitting a man who had annoyed his wife. Stuart Lawrence, aged 34, an Essex constable for seven years, admitted assaulting the youth after he had stopped him in his mind van for a licence check.

Magistrates at Chelmsford were told that there had been a history of motorway disputes between Mr Terence McGoldrick, aged 22, and PC Lawrence's wife. Twice he had been abusive to her after motorway incidents in a car park.

When Mr McGoldrick was stopped by PC Lawrence, of Towers Road, Heybridge, Maldon, Essex, and another officer and asked to produce

his licence, he became "truculent and non-cooperative", Mr Frank Lockhart, for the defence, told the court.

PC Lawrence recognized him and after Mr McGoldrick made sneering reference to Mrs Lawrence, the officer hit him twice in the face.

Mr McGoldrick said that PC Lawrence had hit him in the face and kicked him in the groin. He had five stitches in a cut right eye and had other bruises and abrasions to his face. But there was no evidence of body bruising, the court was told.

PC Lawrence, a former soldier and a married man with three children, denied that he had "gone berserk" but admitted causing actual bodily harm.

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Carrington peace initiative runs into trouble

Saudis want negotiated Middle East settlement

From Edward Mortimer, Riyadh, Nov 5

Prince Saud al-Faisal, the Saudi Arabian Foreign Minister, today said mutual recognition and negotiations between Israel and a future Palestinian state should be the basis for a peaceful settlement in the Middle East.

Prince Saud gave this important clarification of his country's peace proposals at a press conference to mark the end of Lord Carrington's visit here. The British Foreign Secretary, representing the European Community, held lengthy discussions for negotiations, Prince Saud and Prince Fahd, the Deputy Prime Minister, who put forward the eight-point plan last August.

The discussions focused on the seventh point which says: "all states in the region should be able to live in peace."

Prince Saud was asked today whether this formula included Israel. In reply he emphasized the importance of the state of Palestine, whose creation is called for in point six of the plan.

He went on: "As a result of accepting the principle of the establishment of the state of Palestine and having discussions between that state and Israel for achieving mutually recognized each other, and that is the important fact."

Lord Carrington, who gave a press conference of his own immediately before Prince Saud, said that the Community did not necessarily agree with the details of the Saudi plan, such as the proposal of an independent Palestinian state with Jerusalem as its capital.

The Europeans, he said, had always taken the view that east Jerusalem was included in the territories from which Israel should withdraw under Security Council Resolution 242, but the question of the capital was, he said, a matter for the Palestinians and those concerned.

Prince Saud's remarks were notable for the emphasis which he repeatedly placed on the need for a negotiated settlement. In the past it has usually been Israeli spokesmen who have called for negotiations, while Arabs, with the exception of President Sadat after 1977, preferred United Nations resolutions.

Prince Saud said today he would not abandon any such resolutions, but added that Israel was not expected to accept the eight points in advance of negotiations.

Saudi Arabia had no fixed ideas about the precise framework for negotiations, Prince Saud said. Its immediate objective was to get an Arab endorsement at the summit meeting in Fez (Morocco) later this month.

About this he was hopeful after the reaction from all over the Arab world and particularly the Palestinians. If the plan were accepted at Fez it would be up to the summit to decide on the mechanics of bringing about negotiations.

One suggestion, Prince Saud said, was to get an overall resolution in the United Nations based on the eight points, establishing a framework for the negotiations, which could be held either in the Security Council or in another international conference.

The Saudi Government is of course well aware that nothing can be achieved, either in the Security Council or in negotiations with Israel, without American support, but the Prince chose not to make this point.

It appears that the Saudis consider it tactically advisable to keep the United States at a distance while they are developing their energies in winning over some of the more radical Arab states.

Israel veto threat throws doubt on EEC peace role

From Christopher Walker, Jerusalem, Nov 5

Uncertainty surrounds the prospect of Britain and three other EEC countries contributing troops to the multi-national Sinai peace-keeping force after yesterday's statement by Mr. Yitzhak Shamir, the Israeli Foreign Minister, about the possibility of an Israeli veto.

Without naming any country in particular, Mr. Shamir told the Knesset that all potential contributors had been notified, through Washington, that "any announcement of a statement that accompanies their participation... and that contains anything contradictory to the terms of the United States-Egypt-Israel agreement on the establishment of the force will disqualify (the country in question) from participating in this force."

The main question is whether Britain will take part after Lord Carrington's twice repeated explanation that Britain's decision to contribute was "not associated with Camp David". A similar Israeli official claimed today that the Foreign Secretary's remarks had "made things very difficult."

The uncertainty about EEC participation was increased by a report from Cairo that the ambassador of all four potential contributing European nations—Britain, France, Italy and Holland—had hastily cancelled a meeting due to have taken place this morning with Mr. Kamel Hassan Ali, the Egyptian Foreign Minister.

Israeli officials pointed out that Mr. Shamir's remarks were carefully considered in advance but they were unable to explain precisely what action by a particular nation would secure an Israeli veto.

One authoritative source explained that disqualification would be demanded by Jerusalem if talk about promoting a rival peace initiative to Camp David was turned into concrete action.

In diplomatic circles, the evolution of what has been described as "the Shamir Sinai doctrine" is seen as a further example of growing Israeli concern about international support for the essential elements of the EEC Middle East initiative and the eight-point Saudi peace plan. Both were flatly rejected by a large Knesset majority earlier in the week.

Asked if the Shamir doctrine would automatically exclude members of the EEC from contributing to the force because of their support for the Venice declaration, the Government official said: "If they insist on a European initiative, yes that is correct."

The official spelled out the Israeli approach in more detail. "Israel does not accept any alternative to Camp David. Camp David is the only process which is functional. To bring up any other initiative like Prince Fahd's or the Venice declaration is considered an attempt to create an alternative which will bring about a deviation from the Camp David process," he said.

This latest threat to the formation of a viable international force came after months of diplomatic persuasion had just succeeded in recruiting sufficient numbers. It is generally accepted that EEC participation was only agreed after the assassination of President Sadat last month.

Today Mr. Begin warned Britain and the other EEC countries not to try to supervise the Camp David peace process. "You have no right to authority to do this," he said.

Israel radio later quoted Jerusalem political sources as stating that countries participating in the force would have to make "a clear statement of support" for the Camp David process when sending their troops. This would be a way of forcing a choice between Camp David and the eight-point Saudi plan.

So far, according to Israeli sources, the only countries to have formally notified their willingness to send troops, in addition to the United States, are Uruguay, Fiji and Colombia. With the final Sinai pull-back now only six months away, attempts to resolve the composition of the force have acquired a new urgency.

Cape Town whites snub apartheid

From Michael Hornsby, Johannesburg, Nov 5

In an unprecedented rebuff to the Government's apartheid policy, residents of the all-white suburb of Constantia-Tokai, near Cape Town, have voted in favour of throwing the area open to all races.

The vote has nearly halved Mr. P. W. Botha, the Prime Minister, with his own Party. During the last session of Parliament he mocked the liberal racial views of opposition MPs, and tauntingly suggested they did not have the support of their own constituents.

This challenge was taken up by Mr. Roger Hulley, the young backbench MP for Constantia-Tokai, who was elected to Parliament for the first time at last April's general elections. His daring was not entirely appreciated at the time by his elders in the Progressive Federal Party.

Now, however, he is the hero of the hour in liberal circles. Speaking after the outcome of the vote was announced last night, a delighted Mr. Hulley claimed: "We have given the lie to the taunt that Opposition voters speak with forked tongues (on the race issue)."

At issue in the referendum was a Government plan to create a new residential area for well-to-do coloureds (those of mixed race) in the Tokai Forest reserve, part of which lies within the rich "mini-

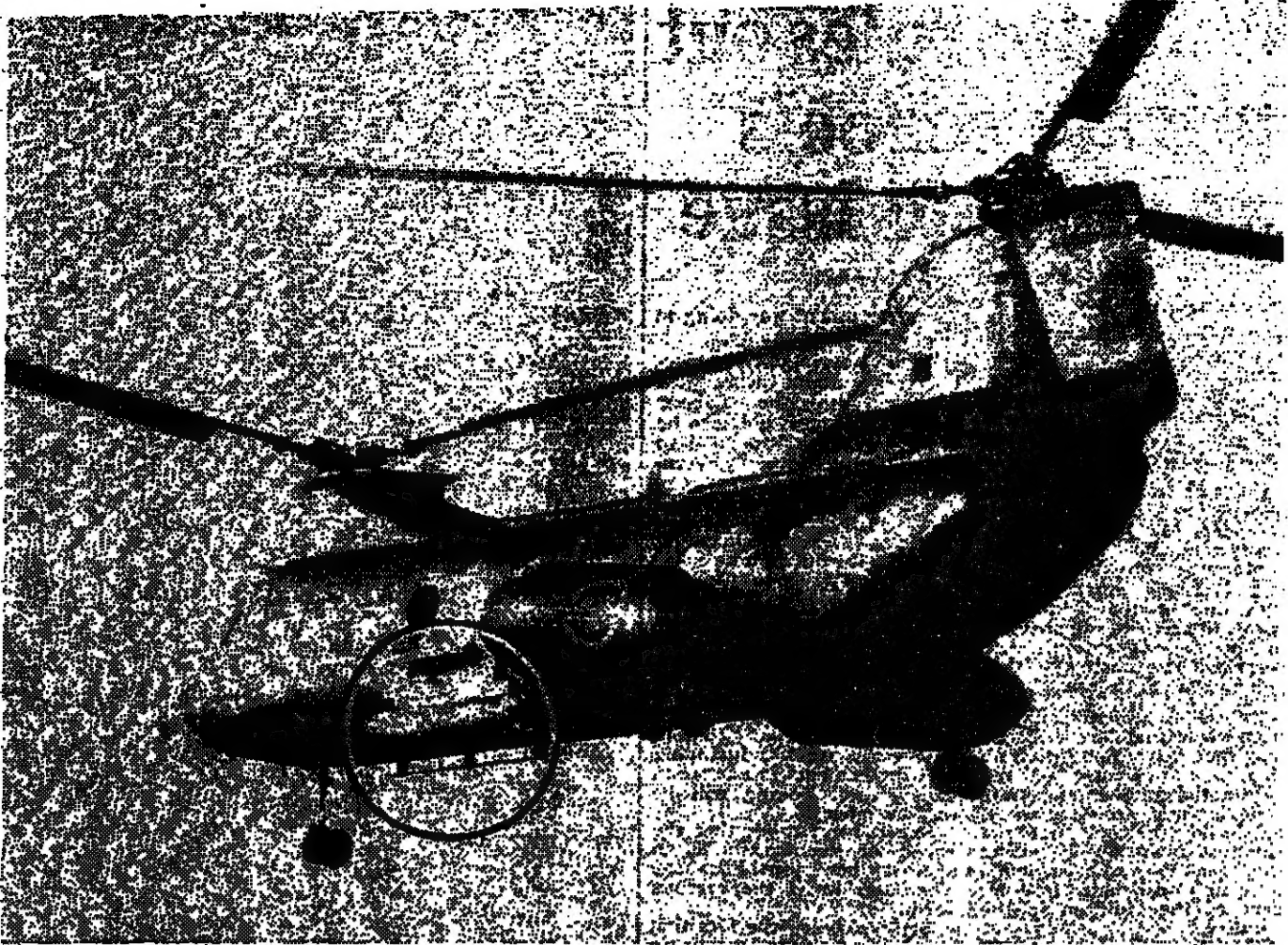
and-manure" Constantia constituency.

This led to an outcry from Constantia residents on environmental grounds. Government ministers retorted by insisting that the real objection was racial prejudice against the proximity of the proposed new coloured area. Coloureds form the majority of the population in the Western Cape.

Mr. Hulley organized yesterday's poll to show that, on the contrary, his constituents were quite prepared to allow other races to come and live in the existing Constantia residential area, and that there was therefore no need to create a new group area for coloureds in the forest zone.

In a turnout of 63.1 per cent, 2,183 voted "yes" and only 341 "no" to the question: "I am opposed to new race group areas in Constantia-Tokai and am in favour of allowing any person to acquire property in the normal way in terms of the existing town planning scheme."

There would not, of course, be many Coloureds, let alone blacks, who could afford to buy a house in Constantia, but if the principle of open access were accepted generally it would drive a coach and horses through apartheid legislation, which prohibits any racial intermingling in residential areas.



A Swedish marine helicopter with (ringed) its secret computer operated torpedo: Could this have been the motive behind the Soviet submarine's ill-fated incursion into Swedish waters last week?

Warsaw given three months to settle issues

From Desza Trzysan, Warsaw, Nov 5

The national Commission of Solidarity has given a cautious welcome to the meeting yesterday between the union, the Roman Catholic church and the Government, and has given the Government three months to reach a settlement.

This caution seems to be shared by all after the unprecedented meeting between General Wojciech Jaruzelski, the Prime Minister, Mr. Lech Walesa, leader of Solidarity, and Mr. Jozef Glemp, the Polish Primate.

It could prove a landmark leading to a new pattern of government in which the Communist Party must seek the consent of Solidarity and the Church.

Clearly the authorities, the Church and the union are anxious not to exaggerate the importance of the event, and the absence of any comment in a country where information is now easily available, suggests there may have been a tacit understanding. The communiqué was evasive.

General Jaruzelski later met the leader of the pro-Government branch union, the Union of pluralism of trade unions, puz everybody on an equal footing.

Coverage in the newspapers of the event also indicates the changes and diversities in Poland. The dailies did not directly connected with the Communist Party play up the meeting with large headlines, while the party newspaper *Trybuna Ludu* greets it as a normal event.

The fact that the meeting of the national commission went ahead with the resolutions voted on the resolutions in Mr. Walesa's absence. He returned to Gdansk today to report on his talks to the 20-man presidium.

During yesterday's meeting, General Jaruzelski said that the Government was ready to begin talks at any time, but he also let it be known that he expected a gesture of good will from Solidarity. Only a compromise based on reciprocity, Mr. Walesa quoted him as saying, could bring lasting accord.

Broglie trial suspended after defendant falls ill

From Charles Hargrove, Paris, Nov 5

Proceedings in the case of the murder of Prince Jean de Broglie were suspended this afternoon, because Pierre de Varga, one of the four defendants, who is charged with instigating the crime, was suddenly taken ill. He has a heart condition but demands by his counsel for his release on bail were repeatedly rejected.

In the morning, hearings were again under threat of suspension for other reasons, but the court decided that justice must proceed even if there were obvious gaps in the preparation of the case.

Both the chief public prosecutor of the Cour de Cassation, the highest Criminal court, which ordered the trial, and Maître Roland Dumas, the leading counsel for the defence, had asked for a stay of proceedings for a supplementary judicial investigation involving Dr. Nelly Azerad, a former prison doctor, and close acquaintance of M. de Varga.

Dr. Azerad is herself in custody awaiting trial on charges of suppressing essential information in the case, and of allegedly conspiring to have M. de Varga shot.

M. Marcel Dowling Carter, the chief public prosecutor, maintained that Dr. Azerad could provide the court with a great deal of useful information about the murder of the Prince.

Japanese cure is dynamite

From Peter Hazelhurst, Tokyo, Nov 5

Japanese doctors have begun to use explosives to blast large stones into tiny fragments inside the bladder of the patients.

The explosive, in the form of a small dynamite detonator, is attached to the end of a special catheter tube and is introduced into a patient's bladder through the urethra. A tiny mirror allows the surgeon to manipulate the explosive until it is fixed next to a stone.

The patient's bladder is then filled with water which shields the organ against shock waves and flying fragments of stone.

The explosive is then detonated and the fragments are passed through the urethra or extracted by conventional methods.

The explosive charge, at the end of the tube, is made of the same chemical as that used in dynamite caps. This unique method of destroying large stones within the bladder has already been used successfully on two patients in Japan. The first experiments were carried out on pigs and other animals.

"This system eliminates the need for surgery, when large stones cannot be extracted from the bladder by conventional means of medicine," Mr. Koike Watanabe, a member of the research team which developed the treatment, said.

In one case a large stone, 3cm in diameter, was blasted into tiny fragments inside the bladder of a 28-year-old patient last month. Two explosions were required to crush the stone into powder and small pieces. "It's similar to using dynamite to break up stones in a quarry, but on a small scale," one of the doctors explained.

The technique of destroying stones with explosives within the human body has been developed by Professor Hiroki Watanabe of the Kyoto Prefectural University of Medicine.

Mr. Watanabe claimed that the new method was first used to remove stones in the bladder of a patient in China. "Although we published details of the new treatment a long time ago we were then prohibited from using the method in Japan."

The conventional way of treating stones in Britain is by cutting open the bladder and extracting them by hand or crumpling them up so that they can be passed out with the urine (four Medical Correspondent writes).

The technique used in Japan is also practised in West Germany.

IN BRIEF

Armenians held in drug swoop

Stockholm—Swedish police have detained 23 people, many of them Armenians, in what is thought to be Sweden's biggest drug peddling affair.

A police spokesman denied rumours that money from the heroin trade had been passed to Armenian terrorist groups.

Communist split

Madrid—Six members of the Spanish Communist Party Central Committee have been suspended and 56 party members have been disciplined, including several Madrid councillors.

The crackdown comes after an attempt to form a breakaway movement by Basque communists.

Nuclear submarine

Paris—China has launched its first nuclear-powered submarine, designed to fire 12 nuclear-therapeutic ballistic missiles, the newspaper *France Presse* said. The submarine was not expected to be operational for three or four years, it added.

Bomb at Paris station

Paris—Police said a powerful bomb exploded at the Gare de Lyon, injuring at least one person and destroying more than two dozen luggage lockers.

French jobless figure passes the two million mark

From Our Own Correspondent, Paris, Nov 5

The psychological barrier of two million jobless was broken yesterday. The Ministry of Labour announced that the gross unemployment figure on October 31 had risen to 2,006,000 (1,322,000 after allowing for seasonal variations), an increase of 4.9 per cent in one month, and 26.9 per cent, or nearly half a million, by comparison with October of last year. This is 8.7 per cent of the active population of France.

The fact that all the experts had predicted it, and that the Government was prepared for it, does not soften the impact of the figures on public opinion.

The Government has repeatedly announced its determination to stabilize unemployment "on the crest of two million" to quote M. Pierre Mauroy, the Prime Minister, until an actual improvement could be reached by 1983.

M. Jacques Delors, the Finance Minister, said that he was not surprised by the figures. The French economy resumed its advance with an increase of consumption and exports, and stocks were now at their lowest.

There must be some delay before the impact was felt, but it should lead firms to employ labour.

Whether the plans approved by the Cabinet yesterday for workers' consultation and participation in the management of firms, especially in matters of employment—but without the right to veto for joint works' councils—are the most effective way of encouraging employers to invest and hire labour is doubtful.

But the measures which will take the form of a Bill next month are regarded by the Government as political and psychological necessity to demonstrate to the men on the shop floor that the coming to power of the left has really changed things for them.

Trudeau and premiers work out a compromise

By Our Foreign Staff

An historic agreement was reached between Mr. Pierre Trudeau, the Prime Minister, and nine provincial premiers this afternoon on bringing home the Canadian constitution from Britain. Mr. René Lévesque, the Premier of mainly French-speaking Quebec, rejected the accord.

The accord was reached at an unscheduled meeting after four days of talks were on the verge of collapse.

Under the new formula, Ontario and Quebec, the two biggest provinces, will not have a veto, as they would have done under the previous proposals. Constitutional amendments must now be passed by seven of the 10 provinces with at least half Canada's population.

The Prime Minister also agreed to dilution of his charter of rights, but he said the now agreed charter would be one of which Canadians could be proud.

It will entrench in the constitution a set of human, legal and democratic rights of which the most controversial will guarantee linguistic minorities—English-speakers in Quebec and French-speakers in other provinces—the right to education in their mother tongue "where numbers warrant".

Mr. Trudeau was expected immediately to insert the new constitutional amendments into the original plan and submit one put forward earlier this year by eight provinces under which provinces could opt out of constitutional changes they dislike.

However, a provision for compensating provinces that opt out of national development or social welfare schemes—provided for in the eight's original amending formula—was dropped. This is one of the reasons Quebec rejected the package.

In an emotional speech at the nationally televised session of the conference Mr. Lévesque said that Quebec would use "all means at our disposal" to resist the weakening of provincial powers which, according to him, implementation of the accord would represent.

This was one right which some premiers objected most strongly because it would mean they could be forced by court decisions to change their school systems.



Rumour mills do overtime after Haig accusation

From Nicholas Ashford, Washington, Nov 5

Is there really a senior White House official who is waging a guerrilla campaign against Mr Alexander Haig, the Secretary of State? If so, who is it? Or is Mr Haig proving to be unusually thick-skinned about the sort of criticisms which are bound to be made of anyone holding high public office?

The Washington rumour mills have been working overtime since Tuesday when Mr Haig authorised Mr Dean Fischer, his official spokesman, to confirm a newspaper story by Mr Jack Anderson, the columnist, that the Secretary of State believed someone in the White House had been conducting a long-standing guerrilla campaign against him.

Fingers immediately pointed at Mr Richard Allen, the President's National Security Adviser, who has been feuding with Mr Haig ever since President Reagan's inauguration. But Mr Haig quickly stemmed that line of speculation by telephoning Mr Allen to say that he had not been referring to him.

The name of Mr James Baker, the White House Chief of Staff, then came up. But then Mr Haig told him he did not believe he was the culprit either.

Other names have also been mentioned, going as high in the White House hierarchy as Mr Edwin Meese, Counselor to the President, who is often referred to as the Reagan Administration's unofficial "prime minister". Even relatively junior officials such as Mr Richard Darman, the staff secretary, have become the subject of gossip and speculation.

So far, however, no one has been identified as the guilty person and it is now thought possible that Mr Haig's accusation may not have been aimed at anyone in particular but at everyone in the White House who has been critical of him in past months.

Having made the accusation, Mr Haig, who has a reputation for "volatility", now seems anxious to let the matter rest. He told the Senate foreign relations committee yesterday that it was "a side issue. I'd like to put behind us" but at

the same time not "an insignificant one".

Another question which remains unanswered is why Mr Haig should have made the whole dispute public.

It all began when the White House discovered that Mr Anderson intended to circulate an article in the newspapers across America which would publish his syndicated column saying that Mr Haig's name was top of the President's "disappointment list" and that he had "one foot on a banana peel and could slide right out of the Cabinet before summer".

The White House got on to Mr Anderson who in turn telephoned Mr Anderson to discuss the column. Eventually the President became involved, as well as telephoning Mr Anderson from his Camp David weekend retreat, in what was "very pleased with Al Haig and what he has done".

As a result of all this high level pressure Mr Anderson dropped his original column and instead wrote a substitute article about how the administration had reacted.

By making the whole dispute public, Mr Haig had wanted a reassurance from the President that he was doing a good job, he need scarcely have bothered. The President had already gone on record after the Senate vote on the AWACS aircraft sale to Saudi Arabia last week to say: "Al Haig is doing a magnificent job as Secretary of State, and he's going to continue to do that".

The President has again expressed confidence in Mr Haig since the new dispute broke out. He has also made it clear to White House staff that they must end the infighting and feuding which has gone on almost unchecked since inauguration day.

One of the reasons why Mr Haig is so sensitive to criticism is his awareness that he is not part of the "California Mafia"—the inner circle of aides and confidantes who have worked with the President since his days as Governor of California. Although the President has great respect for him, they are not close.



Mr Haig: Sensitive to criticism



Mr Weinberger: Insensitive to Europe

Human rights move up the Washington priority list

From Our Own Correspondent Washington, Nov 5

The United States is planning to follow a stronger human rights policy in foreign affairs, according to a memorandum signed by Mr Alexander Haig, the Secretary of State, published in *The New York Times* today.

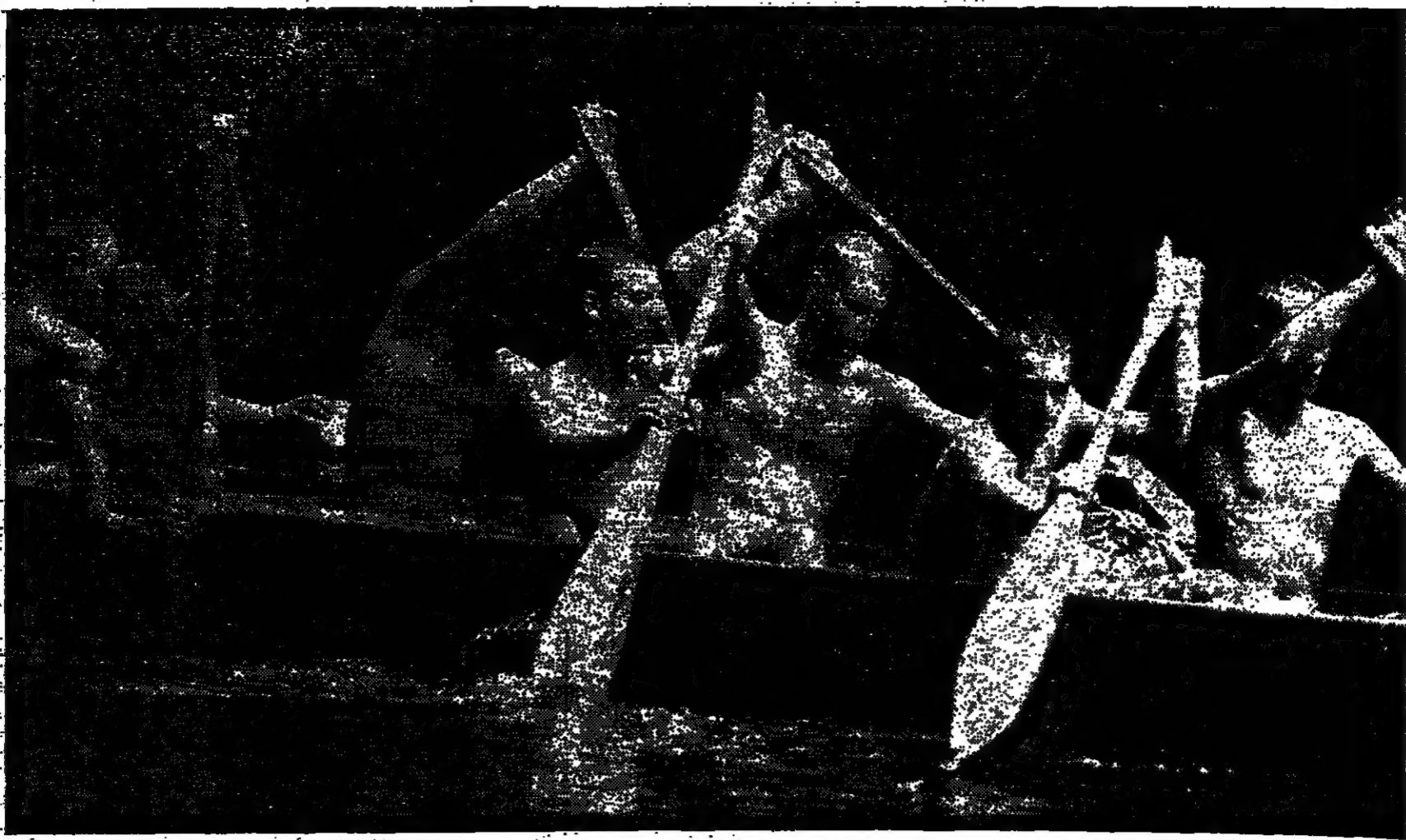
The memorandum says that the United States cannot hope to offer a credible alternative either to the Soviet example or to the rising tide of nationalism in Europe unless it takes a strong position on freedom.

Noting that the Administration's apparent lack of enthusiasm for human rights issues has been a source of domestic and international criticism, the document states: "Human rights is at the core of our

foreign policy because it is central to what America is and stands for. Human rights is not something we tack on to our foreign policy, but it is its very purpose, the defence and promotion of freedom."

The memorandum represents a significant departure from the policy which the Reagan Administration has followed so far in which there has been an attempt to put human rights issues on "the back burner".

The memorandum coincides with the nomination of Mr Elliott Abrams, as Assistant Secretary of State for Human Rights and Humanitarian Affairs, a position originally created by the Carter Administration in 1977.



When glamour vanishes downstream: It is at this point, the start of a deep jungle training mission in Guyana, that the French Foreign Legion is stripped of its Beau Geste mythology. These recruits to the Third Foreign Infantry Regiment of the Legion, have nearly 19 miles to go from their base at Kourou. Their jungle target can be reached only by canoe.

European MPs refuse to freeze British aid

From Ian Murray, Strasbourg, Nov 5

The European Parliament was in a subdued mood in Strasbourg today when it voted to reject 634 amendments to the EEC's draft 1982 budget and approved a total spending of 21,758 million European currency units (€11,450m).

This was 300m ECUs more than suggested in July by the Council of Ministers, but falls rather short of the draft originally proposed by the European Commission.

Members were, no doubt, well aware that the economic crisis made spending difficult. There was an attempt, however, to change the emphasis on the way in which money was to be spent.

Some 200m ECUs were added to the regional fund and 284m ECUs to the social fund. Increased agricultural fund spending was largely frozen except for some 50m ECUs to cover the extra cost of stocking sugar.

Parliament significantly did not agree with the recommendation of its own budget committee to freeze £430m worth of aid to Britain. This suggestion had been supported by some members of the British Labour group who wanted Parliament

to exercise greater control over the way such aid was to be spent.

Mrs Barbara Castle, the leader of the group, said angrily afterwards that she was not surprised that "the Conservatives' right-wing friends in Europe have ranged up to help Mrs Thatcher's vicious monetarist policies. They do not seem to care that this money is going to be used to finance unemployment and not to fight it."

Despite this, there was relief among Labour opponents of the EEC that Parliament had not exercised its power in this case as it might have set an uncomfortable precedent for the future.

The Parliament itself emerged from this first reading confident that it had not been able to take this annual opportunity of testing its power as a European institution.

NO PAROLE FOR MASS MURDERER

From Our Correspondent Los Angeles, Nov 5

Charles Manson, the mass murderer, was denied parole by a California board yesterday.

Manson was convicted of organising the murder of Sharon Tate, the actress, and eight others in 1969 and the parole board, meeting at the Vacaville prison, described the killings as "so atrocious, reprehensible and repugnant as to leave the observer incredulous".

Manson, who is 46, has served 12 years in jail. He appeared before the board wearing a beard, long hair and a swastika cut into his forehead. He agreed that he was not ready for parole. "I don't particularly care to go out on parole; not if I'm not going to be left alone. I've got some cleaning up to do," he said.

He also told the three-man board: "I've been in solitary for ten years. I've been in the nut ward for almost eight. And I ain't got no mind. It's gone, man. I don't understand half the things you're saying."

DUTCH JOBS MEASURE ENDS CRISIS

From Our Correspondent Amsterdam, Nov 5

The tax burden in the Netherlands, already one of the heaviest in the world, will be further increased for one year to help finance an ambitious range of measures to combat unemployment. Thousands of jobs are to be created, mainly in the public sector at first.

The tax proposal, put forward by two professors of economics, Mr Cees de Galm and Mr Victor Halberstadt, both members of the Labour Party, has been accepted by the Cabinet.

The increase in income tax will apply only in 1982. It will mean a loss in purchasing power of 1.2 per cent for the lowest paid and of 3 per cent for the highest incomes. Half a million are unemployed, 10 per cent of the working population.

Mr Andries van Agt, the Christian Democratic Prime Minister, said today that the Government would present its plans to Parliament on November 16.

New Zealand political battle

Sleepy land faces growing unrest

By Michael Brunson

To describe New Zealanders in normal times as placid may be an understatement. Most Australians, for example, seem always to have preferred the word "dull".

This year has not been normal. New Zealand's sleepy image has been shattered by the violence of the argument over the Springboks tour, and this year's election will as a result be one of the most sharply fought in years.

Throughout the country there is a widely held feeling that whatever the result, things will only get worse. For years New Zealanders have lived off the very considerable fat of the land. A temperate climate nourishes endless acres of grass and good farmland, which have produced not only cheap food at home, but the meat and dairy exports which are the chief source of overseas earnings.

To that have been added such bonuses as cheap energy from hydro-electricity, and cheap building supplies from the timber forests. All this, bound up in one of the most far-reaching social welfare programmes in the world, has produced a very high standard of living.

As Willem Visser, former All-Blacks captain and now one of the country's leading businessmen puts it: "With so much going for us, we have to be real geniuses to mess it up." Yet many voters feel that precisely what is happening.

They point to inflation of 15 per cent, and recent forecasts that it will shortly reach 20 per cent. They see unemployment at 7,000, which in a country of three million people, is alarming.

People talk anxiously of the country's biggest budget deficit, of the setbacks to the think-big policy of Mr Robert Muldoon, the Prime Minister, typified by the recent decision of a Swiss partner in an aluminium smelter project to pull out; and above all, of their worries about the way in which the social order of their country seems to be breaking down.

The challenge to law and order, and the country's social unrest, have also become issues because of the Springboks tour, which split the country.

In an opinion poll just published, 54 per cent said that the tour was a disaster, and should not have taken place. Not reflected in that poll, but on many people's lips, is the idea the disaster was one which Mr Muldoon could have taken far tougher action to prevent.

A more optimistic view is taken by the dairy farmers. They were the ones who saw disaster just around the corner, as Britain prepared to join the EEC. New Zealand's butter market was halved and its cheese market wiped out; yet eight years later, the New Zealand dairy farmers are riding high.

Far from cutting milk production, New Zealand has kept the level up. Where dairy factories used to produce simply butter, cheese and skim milk powder, they now turn out a bewildering array of products, and manage to sell them too.

The traditional products still dominate, but plenty of New Zealand Cheddar goes to Japan, baby food goes to the Far East, and butter oil to the Middle East.

While the dairy farmers are happy, many other people are not. For them the times are not so good, with jobs scarce, prices rising and social order disturbed. How then will New Zealand vote on November 26?

The early opinion poll suggests that the National Party Government will be returned to power. The polls also show the other parties catching up quickly, with the small Social Credit Party, which had only two MPs last time, showing a considerable spurt.

The one thing on which everyone agrees is that this time it will be an extremely close result, and for many people there is one reason above all for that. That reason is Robert Muldoon.

New Zealanders either love or hate their Prime Minister. Many say that he has been good at waking the country up. Others, that nothing can excuse his recent behaviour, and the fact he did not try much harder to get the Springboks tour stopped.

The way Mr Muldoon, at the Commonwealth heads of government meeting in Melbourne, railed against those who criticised his handling of the tour angered some New Zealanders, and embittered many more. It also made certain Mr Muldoon's personality would be an issue in the election. It will not be the main issue.

The polls show that the traditional concerns are still at the top of the voters' lists of worries, and that they do not trust Mr Muldoon's challengers to make a better job of handling them than he has done.

Libyans speed withdrawal

Ndjamena, Nov 5—Libyan forces from towns on the border with Sudan left Chad defenceless in that region. In the past few weeks the reconstituted armed forces of the North (FAN), Mr Habre's rebel army, have operated in the area from bases inside Sudan.

□ Riyadh: Libya's withdrawal and the lowering of tension between Libya and Egypt is the result of a secret agreement between President Mubarak and the head of the Libyan intelligence service, a nephew of Colonel Gaddafi, the Libyan leader, the Saudi daily newspaper Okaz said today. AFP.

MINISTER TO STAND TRIAL

From Moshe Brilliant Tel Aviv, Nov 5

Mr Aharon Abuhazra, a minister in Menachem Begin's Government, today lost his right against standing trial for larceny and will have to enter a plea on November 22 in the district court here.

The Supreme Court in Jerusalem dismissed his plea that he could not be prosecuted unless the new Parliament elected on June 30 lifts his immunity. The ruling saved Mr Begin's coalition from a dilemma and a possible loss of its parliamentary majority.

Poll boycott by Indians succeeds in S. Africa

From Michael Hornsby Johannesburg, Nov 5

The South African Government plans for enlisting the country's 800,000 Indians as allies in defence of the apartheid system of racial separation appeared to be in ruins today after yesterday's mass boycott of elections to the officially approved South African Indian Council (SAIC).

The average turnout in the elections was 10.5 per cent, ranging from less than 2 per cent in one part of the Transvaal to 20.5 per cent in Durban, Natal, where 85 per cent of South Africa's Indians live. In the Fordsburg constituency of Johannesburg only 17 out of a potential 3,800 voters turned out.

Dr Essop Jassat, the chairman of the Transvaal branch of the Anti-SAIC Committee, which campaigned for a poll boycott, hailed the outcome as "a magnificent show of unity by the Indian community and blacks everywhere".

Dr Ismail Cachalia, another committee member, said the boycott was a rebuff for the government's attempt to impose an undemocratic, dummy institution "on Indians. It showed that 'in spite of a concerted government effort to divide us on ethnic and racial line we are more united than ever in our struggle against injustice'."

The Government must now realize, Mr Cachalia declared, that the Indian people would be satisfied with nothing short of direct representation in Parliament based on universal suffrage.

One reason for the very low poll in the Transvaal was undoubtedly the Government's recent decision not to return the Pageview quarters of Johannesburg to the Indians, who were ordered out of the district some 15 years ago under apartheid laws forbidding racial intermingling in residential areas.

The return of Pageview had been recommended by the President's Council, an advisory body set up last year in place of the Senate, the old upper house of the parliament. In addition to whites, the council also has Indian and Coloured (mixed race) members, but no black Africans. The rejection of its recommendation was described as "a slap in the face" by Indian leaders.

The President's Council is now preparing new constitutional proposals for power-sharing between whites, Coloureds and Indians, who together account for 25.5 per cent of South Africa's total population. These proposals are due to be submitted to the Government in the first half of next year.

The most radical proposal the council might plump for would be an "umbrella" parliament composed of three separate chambers to which whites, Coloureds and Indians would be elected on separate voters' rolls. (The black African majority would be excluded, since its political needs are held by the Government to be adequately served by the tribal Bantustans.)

This would be the minimum reform that might still hold some allure for the increasingly militant, 800,000-strong Indian community. But even if the President's Council was bold enough to propose it, the Government would be unlikely in its present mood to accept it because of right-wing opposition.

The most that the Verkrampste (conservative) wing of the ruling National Party will agree to is three totally separate parliaments for whites, Coloureds and Indians, with the latter two enjoying limited, devolved powers in such matters as health, education and social welfare.

The Government's hopes of "co-opting" the Indian community rest in part on the Indians' somewhat ambivalent attitude to the black African majority. As a relatively more privileged group, socially and economically, they are resented by many black Africans



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Tanaka is named in bribes case ruling

From Peter Hazelhurst
Tokyo, Nov 5

In a significant development in the Lockheed bribery case trials in Japan today, a Tokyo judge upheld charges that Mr Kakuei Tanaka, a former Prime Minister, and still one of the country's most powerful political leaders had used his influence to persuade airline officials to purchase aircraft from the American manufacturer.

Mr Tanaka, who stepped down from office in disgrace in 1974, is being tried in another court on charges that he received £1.2m in bribes from Lockheed executives to promote the sale of the TriStar aircraft in the early 1970s. Mr Tanaka's trial is expected to end late next year.

Delivering his ruling in the Tokyo District Court today, Judge Koichi Hanyu sentenced Mr Kenji Osano, one of Japan's leading businessmen and a close friend of Mr Tanaka, to one year's imprisonment for committing perjury during a parliamentary inquiry into the Lockheed scandal five years ago.

Mr Osano, who has been called the "hotel king of Hawaii", was charged with perjury in 1977 after Lockheed executives confirmed allegations that they had paid him a \$200,000 (over £100,000) bribe.

In short, the Lockheed Corporation admitted that it had paid Mr Tanaka to persuade Mr Osano to force All-Nippon Airways, Japan's largest domestic airline, to purchase TriStar aircraft. Mr Osano denied the charges when he appeared before a parliamentary inquiry into the Lockheed bribery scandal in 1976.

The judge pointed out that Mr Osano had admitted that he had carried a message from Mr Richard Nixon, the former American President, requesting Mr Tanaka to promote the sale of Lockheed TriStar aircraft.

Moscow denounces canonization of Tsar

From Michael Banyon, Moscow, Nov 5

The Soviet Union today described the canonization of Tsar Nicholas II on Sunday as blasphemy and a farce and said that the New York ceremony had no religious basis but was organized for political motives.

In a lengthy denunciation of the service conducted by an independent branch of the Russian Orthodox Church, the newspaper *Sovetskaya Rossiya* said it was sacrilege to pay homage to a man "who sullied his name with a multitude of crimes". His canonization was an insult to the Russian Orthodox Church and to honest believers.

The paper quoted a priest as saying the affair had been arranged by schismatics who connected with religion with monarchism. Describing the ceremony as "noble in outward form but absurd and

reactionary in essence", the paper said that Tsar Nicholas had not lifted a finger to end the poverty and illiteracy of the peasants, industrial backwardness and the repression of national minorities.

His rule was marked by pogroms, the shootings of workers, injustice and the repression of millions, it said. The Russian Orthodox Church outside of Russia announced last week that the Tsar, his family and 30,000 other "martyrs" were being declared saints because of their piety and the way they accepted their deaths.

Sovetskaya Rossiya said the real aim was to revive and consolidate the dwindling band of monarchists and breathe new life into the "idiotic idea" of restoring the Russian throne.

The paper poked fun at the "waxwork priests" and the old people at the service who spoke an outdated form of Russian. It said the annual ball held by Russian exiles in New York was entertaining in its resemblance to the pre-revolutionary balls in the Winter Palace.

But it gave a warning that monarchists still presented a real political threat to the Soviet Union. The "Russian imperial league" was active in the West, it said, and its actions constituted counter-revolution.

The paper said it was significant that the monarchists had stepped up their activities at a time when the Washington Administration had again unfurled the flag of anti-communism and was beating on the cold war drum.



The Tsar: Dead monarch at centre of live dispute

Mugabe threatens to take over land if Britain does not pay up

From Stephen Taylor, Salisbury, Nov 5

The Zimbabwe Government would not hesitate to expropriate land if Britain did not provide sufficient money for the land resettlement programme, Mr Robert Mugabe, the Prime Minister, said today.

The latest in a series of forceful speeches by the Prime Minister on a rural tour of Mashonaland West came only a day after he was reported to have said that dissidents had been arrested recently for plotting to overthrow the Government.

It was up to Britain to give Zimbabwe the money to buy back land taken by white settlers, Mr Mugabe said. "The Government cannot let you pay for land which is rightfully yours", he told a cheering crowd in Sanyati.

In fact, as informed sources have pointed out, there is no shortage of either land or money for the first three-year land resettlement programme.

That has led to speculation in some circles that Mr Mugabe — on the last of a series of meetings —

tours — is directing a popular appeal at his constituency rather than outlining any new aspect of policy. Mr Mugabe has previously alleged that supporters of Mr Ian Smith, the former Prime Minister, have plotted against the Government. However, yesterday was the first time he has said that dissidents have been detained.

Speaking in Sanyati, Mr Mugabe was reported by the Ziana news agency as telling his supporters: "You are going to hear of cases of people who have been arrested and who will be arrested for plotting against the Government. The names of the plotters are going to be released very soon."

A police spokesman said today it was not policy to comment on statements made at political rallies but added: "So far as we know no arrests have been made."

Mr Mugabe repeated allegations linking Mr Smith and Bishop Muzorewa to subversion. About 5,000 members of

the bishop's former auxiliaries were being trained in sabotage in South Africa with the aim of retarding Zimbabwe's development, he said.

"We did not arrest Muzorewa or Smith because that would have caused unnecessary upheavals. But if they continue to plot against the government they will realize that reconciliation does not mean we cannot arrest them or hit them very hard."

Minister dies at lunch

Dr Simon Mazorodze, who was Minister of health for only 24 days, collapsed and died at lunch today at the age of 47.

A former deputy minister, Dr Mazorodze was appointed last month to replace Dr Herbert Ushewokunze, the controversial former minister, who was dismissed.

There is no automatic successor to the post as no deputy minister had been appointed to replace Dr Mazorodze.

Translator accused of subversion

From Our Correspondent, Copenhagen, Nov 5

Arne Herlov Petersen, aged 38, a well known Danish translator, writer and leftist activist was last night remanded in custody for three days on charges of assisting an expelled Soviet diplomat in subversive activities, police said today. His wife was released on bail pending an investigation.

At a hearing at Svendborg on the Baltic Island of Funen Mr Petersen was charged with assisting with Mr Vladimir Merkulov, the former second secretary at the Soviet embassy in Copenhagen.

The Danish authorities announced yesterday that they had expelled Mr Merkulov for illicitly financing left wing advertisement campaigns and engaging in espionage for the KGB secret police.

The Petersens admit they knew Merkulov personally but deny all the charges. A parliamentary statement is expected next week.

Reagan's new arms plans meet trouble

From Nicholas Ashford and Bailey Morris, Washington, Nov 5

President Reagan's massive plans for modernizing the United States strategic nuclear forces have run into serious opposition in Congress where a bipartisan group of influential members is working to defeat both the B1 long-range bomber and the MX intercontinental ballistic missile (ICBM) programmes.

So serious is the opposition that in some quarters of the House of Representatives the B1 bomber programme has been declared dead. "It's a simple question of not enough bang for the buck," said an aide to Mr Joseph Addabbo, a New York Democrat who chairs the House defence appropriations subcommittee.

On the Senate side there is also mounting criticism of the President's strategic plans among powerful Republicans who object to the new weapons on economic rather than philosophical grounds. "The current congressional resolution but operating funds for defence projects runs out."

In the Senate, opponents of the new weapons systems are gearing up for a vote some time after Thanksgiving Day at the end of November.

In addition to Senator Hatfield they include Senator John Tower, chairman of the armed services committee, Senator Ted Stevens, the Republican whip who chairs the Senate defence appropriations committee and Senator Robert Dole, chairman of the Senate finance committee.

The growing congressional opposition to the B1 bomber programme has caused Rockwell International, the giant defence contractor which will produce the aircraft, to mount a big lobbying drive to save the programme.

So far the Administration has shown few outward signs of concern that it may be facing an A-1 style battle with Congress over its strategic nuclear programme. "Senior officials at the White House and the Pentagon insist that both the B1 and the MX are essential if the United States is to close what President Reagan has described as the 'window of vulnerability' to a Soviet attack. The President is still 100 per cent behind both systems," a White House aide commented.

However, the Administration is not entirely united in its support for the B1 and MX programmes.

Soviet 'Samaritans' set for action

A telephone life-line for desperate Muscovites

From Our Own Correspondent, Moscow, Nov 5

The telephone rings. It is a middle-aged man, rather drunk, his wife has just left him. His daughters are away studying. He is alone, unhappy, unsure where and how to look for his wife.

The voice at the other end is pleasant, trusting, sympathetic. The young woman volunteer does not contradict or interrupt, listens patiently asking occasional "factum" questions. She gives what advice she can and the man rings off. A few minutes later a student calls who is desperate because he cannot make friends. Then a maudlin drunk rings, a woman who says she needs a man.

"Contact," as the Samaritan organization is called, at present exists only on the stage, the controversial play, supposedly set in New York, has just opened in a cinema, the emotional crises of ordinary Russians.

But in a few days time 22 trained psychologists and psychotherapists will really be available 24 hours a day on four lines of the new "confidential telephone" to help Muscovites out of emotional crises and restrain them from committing suicide.

The new Soviet samaritan line extends existing counselling service set up by the Moscow centre for the Study and Prevention of Extreme Conditions. In 15 regions of the city there are clinics where patients suffering from extreme stress can seek anonymous help, without prior appointment, and meet others for group therapy sessions.

The clinics, designed to create an informal atmosphere as far removed from hospital as possible, are staffed by psychologist sociologists and what the Russians call "sexologists" specialists

of communications and control systems) was put at \$180,300m (about £100,000m) over six years.

However, Congressmen, already briding against the President's demands for additional non-military spending cuts, believe that actual costs will spiral well beyond this figure.

The first real test of opposition to the new systems is expected next week in the House where the appropriations committee is to start marking up the defence spending bill. Mr Addabbo plans to introduce amendments to kill the proposed weapons programmes by eliminating funds for them in the Bill.

If this fails, Mr Addabbo intends to take his measure to the full House which must vote on the appropriations Bill by Nov 20 when the current congressional resolution but operating funds for defence projects runs out.

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However, the Administration is not entirely united in its support for the B1 and MX programmes.

Washington admits that US airmen aid Libya

By David Cross

After weeks of hunning and having, the United States Administration has finally confirmed persistent newspaper reports that American airmen have been helping Colonel Gaddafi, the Libyan leader, with his military adventures.

Mr Dean Fisher, the State Department spokesman, told reporters in a Washington news conference this week that American citizens had been servicing American-built C130 transport aircraft and CH47 Chinook helicopters belonging to the Libyan Air Force.

Other Americans had been serving as crew members on Libyan charter aircraft flying men and war material to Chad where Libyan armed forces have intervened in the long civil war in the former French colony.

"We find it reprehensible and against the interest of peace and security in the region for anyone, including American citizens, to continue to serve Gaddafi's ability to carry out policies of aggression, subversion and terrorism," Mr Fisher said.

Although he did not name the nationalities of other mercenaries who have worked for the Libyans, several Britons and possibly Canadians are also known to have offered their services as pilots and mechanics in return for large pay cheques.

In an interview published in the New York Times earlier this week, Mr John Stubbs, a British civil air pilot, described in great detail how he had flown fuel, bombs and troops to and from Chad in Libyan C130 transport aircraft. He said that he had gone to Libya at the end of last year expecting a comfortable salary of about £24,000 a year for what he expected to be a relatively simple job.

But soon after he arrived, Colonel Gaddafi intervened directly in Chad to end the civil war there and he found himself flying night missions at low altitudes to avoid radar detection and without proper navigational equipment. When he refused to fly to an airfield which was under fire last February he was deported by the Libyan Government, he told the New York Times.

In spite of warnings from his former employer, he spoke to Scotland Yard about his experiences and is now in the United States recounting his story there. He is angry that he is still owed some money paid by the American intermediary who engaged him.

Like the other European and American airmen who have worked in Libya, Mr Stubbs was employed by a Swiss-based company controlled by Mr Edwin Wilson, a former American intelligence agent living in self-imposed exile in Libya. Mr Wilson is wanted by the American law enforcement agencies on suspicion of exporting explosives and arms to Libya.

Mr Wilson's business interests are reported to be handled by a number of outlets including a company working through a London office.

In addition to employing airmen to fly and service Colonel Gaddafi's military transport aircraft, Mr Wilson is suspected of trying to purchase spare parts worth about £17m for the various American-built aircraft still operating in Libya. He is also believed to have employed skilled Western technicians to run the relatively sophisticated arms and oil equipment Libya has purchased over the years from both the Soviet Union and Western nations.

The Libyan Air Force, for example, still boasts nearly 50 American-built aircraft including eight C130s, 20 Chinook helicopters and ten Boeing 727s.

Western defence analysts believe that without expertise and spare parts from the West all these aircraft would remain grounded. Hence Washington's deep frustration and embarrassment that some of its citizens are involved in keeping the Libyan Air Force aloft.

Nevertheless, as both the American and British Governments readily concede, no legal sanctions exist to prevent their citizens from serving as air transport pilots or mechanics for overseas governments. The only discouragement they have at their disposal is to mutter disapproving noises.

Kenyans want a party newspaper

From Charles Harrison, Nairobi, Nov 5

The Kenyan Parliament has unanimously passed a private member's motion calling on the ruling Kenya African National Union (KANU) to launch a party newspaper.

Several members have bitterly attacked *The Standard*, Kenya's oldest newspaper for its recent criticism of government ministers.

The Standard, whose majority shareholder is the London-based Leadenhall group, reported last night's debate on its front page under the headline: "Ban Standard, say MPs".

Last week, *The Standard's* leading article criticized Mr G. G. Karuki, the Minister of State in charge of Internal Security, for suggesting in

the opening stages of the parliamentary debate that the country's enemies use newspapers for their own ends, which are not necessarily Kenya's.

The leading article said Mr Karuki was implying treason, and asked why he was not acting against treason if it existed.

It asked Mr Karuki to repeat his allegations outside Parliament, or alternatively to withdraw them and apologize to the press.

Mr Karuki spoke again in last night's debate, counselling patience. "Let us forgive them," he said, "because the press is run by our brothers but owned by foreigners, and

our brothers perhaps would not want to continue with the war."

He added that the Government supported the motion, moved by Mr Lawrence Sifuna-MP for Bungoma South. Mr Alo Atingo, the Minister of Information, said: "We cannot allow this sensitive area to continue in the hands of foreign owners as their aims are not the same as ours." But he added that his ministry lacked the funds to start a newspaper.

Mr George Githii, a Kenyan, edits *The Standard*. Another Kenyan, Mr Peter Mwaura, edits the *Daily Nation*, of which the Aga Khan holds the controlling shares.

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Here it is, the new 1982 model Cortina, improved and refined to keep it firmly in Britain's number one car slot.

What makes the Cortina so popular?

Looking at the extraordinary range of models offered on this car you can see why it's so successful. Even the simplest versions come with a choice of reliable, proven 1300cc and 1600cc engines and the further up the range you go, the more possibilities there are.

The Cortina L whilst having the same engine variants (incidentally, both models are fitted with Ford's economical variable venturi carburettor) also offers a 45 amp alternator and halogen headlamps.

In the GL and Ghia models you can still select a 1600cc powerplant, or you could decide on something with a little more oomph. And if you do, you'll be putting your foot down on either 2, or 2.3 litres of twin venturi carburetted engine.

What makes the Cortina so individual?

Historically, the standard of equipment inside the more luxurious Cortinas has been the envy of other car manufacturers. In particular the Ghia with its Chatsworth and crushed Velour fabric

seat trim, head restraints, radio/stereo-cassette, tachometer, quartz clock, full centre console, wood veneer door cappings, tinted glass, and so on.

But whatever Cortina you decide on, the beauty is you can virtually mix and match the options to your hearts content, tailoring the car just the way you want it.

What more can we say but list some of the 1982 improvements?

You'll hardly ever need to look under the bonnet, but from an admiring neighbours point of view, the Ghia is now

fitted with an engine compartment light.

The whole range gets illuminated rear window and hazard warning switches and models fitted with centre consoles even get illuminated ash trays. (How decadent!) The L gets York trim, the GL gets Chelsea/Velour fabric trim, and the new head restraints in the L, GL and Ghia are fully adjustable.

So the Cortina never sits still. Ford continue to improve it and people continue to love it.

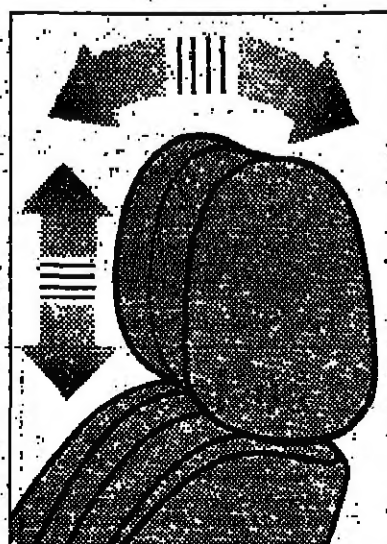
The way it keeps its value. The way it can be covered by 'Extra Cover', Ford's 2nd and 3rd year optional warranty plan, and more especially the fact that this remarkable car starts at a price as low as £4,175*.

But hurry, you won't be able to get one at today's prices for much longer.

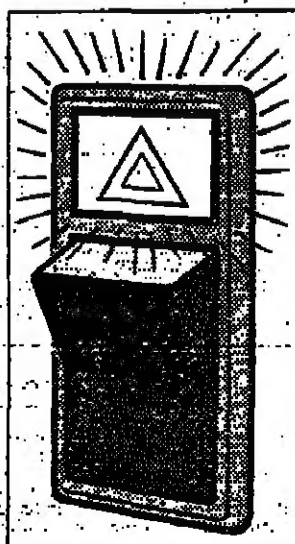
So go to your Ford dealer today and see the car that's more than ever above comparison.

THE NEW 1982 MODEL CORTINA

*Maximum price for Cortina 1300 2-door as at July 25 1981. Seat belts and car tax included. Delivery and number plates at extra cost.



New fully adjustable head restraints in L, GL and Ghia



All Cortinas now get illuminated switches

Ford gives you more.



Nato prepares for negotiations on theatre nuclear weapons

The unilateral renunciation of nuclear weapons on taking the extreme, withdrawal from Nato would weaken Britain's security by damaging her ability to deter aggression, Mr Humphrey Atkins, Lord Privy Seal and principle Foreign Office spokesman in the House of Commons, said when debate was resumed on the Queen's Speech setting out the Government's programme for the new session.

Mr Atkins (Spelthorne, C) said that deterrence had prevented war in Europe for 36 years. As long as we remain strong and determined the chances of there being a reason why an enemy should ever wish to wage even a limited war against us, but once we appear to be weakening or flinching in our resolve to defend ourselves, then the temptation to threaten and blackmail will grow.

And that would be a threat to peace and to our freedom which we have defended against all comers for so many centuries.

He said that the Soviet Union had been making unprecedented efforts to achieve great superiority in long-range nuclear forces. The capability of Nato was limited in comparison. It deterrence was to be maintained, the fact of the Soviet Union's deployment of SS20s, still proceeding at one a week, then Nato had no choice but to modernize its forces.

That modernization could under ideal circumstances still prove unnecessary. There was what had been called the Warsaw Pact in which the Soviet Union dominated and destroyed all its relevant long-range theatre nuclear missiles wherever they might be and Nato did not deploy its own.

Intensive consultation was taking place in the alliance to prepare for the negotiations on the limitation of theatre nuclear weapons. It was agreed that the objective was to establish equal ceilings for the United States and the Soviet Union, and at the lowest possible level.

What we were seeking, and will continue to seek, and it is right to seek (he said), is equal ceilings at the lowest possible level. If that possible level turns out to be zero, nobody would be more pleased than the Government. We do not know yet whether that can be achieved.

These proposals which were discussed at the CSCE review conference in Madrid, provided they were mandatory, verifiable, militarily significant, and applicable to the whole of Europe up to the Urals, could significantly enhance confidence and reduce tension in Europe.

All this adds up to a serious programme (he said) which if successful, as we hope it will be, would ensure our security at a lower level of expenditure and remain the deterrent effect of our armed forces without engaging in an exhausting and dangerous arms race. It is the responsible and intelligent response to make to the widespread concern about nuclear weapons and the desire for peace expressed at last month's demonstration.

While working patiently and persistently with our allies, the Government was not indulging in futile unilateral gestures. There had been no request from friends for Britain to reduce or renounce its nuclear weapons.

Mr Atkins said earlier that preservation of Britain's security and the maintenance of peace depended almost entirely on the western alliance and how it handled its relations with the Soviet Union.

The march in Central London two weeks ago was witness to the strength of feeling on the subject. But though we intend to intensify our efforts in favour of peace in Europe (he continued),

FOREIGN AFFAIRS DEBATE

we are not prepared to adopt some of the solutions that were being put forward. We share widespread concern at the horror of war. Our strategy of deterrence is designed to prevent war, but we must beware of apparently simple solutions which might, paradoxically, increase the risk of war.

One of the things that advocates of unilateral disarmament did not realise was that they were weakening the possibility for the arms control that they and the Government desired so much. It was only if each side realised that the other was able and willing to maintain an adequate military response that it would be prepared to negotiate.

Mr James Callaghan (Cardiff, South East, Lab) the former Prime Minister asked if the Government would make up the initiative started under his administration for a comprehensive test ban treaty between the Soviet Union, the United States and the United Kingdom.

Mr Atkins replied that all would like to see progress on this front. The Government was closely involved with the United States on the subject and was pressing them on the issue which would be to the benefit of all.

It was vital that the Soviet leadership knew what the West thought about international issues, particularly the Government's belief that Poland should be allowed to settle its own affairs without outside interference.

The European Community was at the heart of all the progress made towards making Europe once more a force in the world. There was no way in which the Treaty of Rome could be renounced while we continued to enjoy the benefits of political cooperation with its members. That was why the Government intended to make British membership a success.

No one had said the Community was perfect. A principal objective would be to achieve a lasting solution to the budgetary problems which would ensure that as one of the less prosperous members of the Community, the United Kingdom did not remain almost the largest net contributor.

If the Community was to meet the problems and challenges of the 1980s, in particular enlargement of the Community, it was necessary to reach agreement on a package of reforms in the areas of the common agricultural policy. It was the aim that guidelines should be agreed at the end of the year.

Because (he said) until restructuring is completed, the Community will find it hard, if not impossible, to move forward to tackle new tasks with the vigour they require.

On the Middle East, their major objective must be to seek a comprehensive solution to the Arab and Israeli problem. Europe was particularly well qualified to exercise a collective influence with a united approach.

They were committed to the state of Israel and could never forget the circumstances which led to its creation. It was vital that justice for the people of Israel should be matched by justice for other people in the region. That was why their efforts would continue to be concentrated on the security of Israel.

The principles first enunciated by the EEC at Venice were attracting widespread support. The more specific, but broadly compatible principles of Prince Fahd of Saudi Arabia could also mark the first step forward as they too accepted the rights of all states in the area to live in peace. Lord Carrington, Secretary of State for Foreign Affairs, was at present in Saudi Arabia where he was discussing these questions.

The fact that the EEC regarded

the Palestinian aspect as a central issue did not mean that they did not support Israeli withdrawal from Egyptian territory in accordance with the Camp David agreement. They did.

The Americans had made a request to four of the 10 Governments in the EEC to participate in a peacekeeping force in Sinai which was being considered. It was a difficult decision, but their view at the moment was that to participate in such a force would be fully compatible with the Venice principles and the Security Council resolution.

We would consider playing a part (he said) in any guarantee designed to facilitate Israeli withdrawal from occupied Arab lands. President Sadat has been tragically assassinated, but we can still work to restore the territorial integrity of the country which he led with imagination and courage.

The European Community intended to continue to emphasize the importance of a negotiated Soviet withdrawal from Afghanistan and the return of the country to independence and non-alignment. The Ten's proposals remained on the table as a practical way of achieving those ends.

It was a great relief that there were signs of movement over South Africa. A number of senior officials had been visiting a number of African capitals on a tour aimed at presenting a set of constructive principles to guide the Namibian constituent assembly. The reactions had so far been encouraging.

The exercise was a first step towards building the confidence necessary for the United Nations plan to be implemented. An international conference to settle the Namibian problem would make a tremendous contribution to peace and stability in southern Africa. The alternative was an increasing cycle of violence.

Britain had a particular interest in seeing and helping South Africa to move towards a system of government based on the consent of the South African people as a whole.

For us in the coming year (he said) our main priority is going to be to work, in co-operation with our European partners and the United States, to secure security in Europe within which we can rebuild our national frontiers.

Britain should not over-estimate its power and influence. But it would be mistaken to make progress on the Palestine problem until Israel withdrawal from Sinai was completed. It was vital that the withdrawal of Israeli troops from the Golan Heights and the survival of President Mubarak in Egypt was bound to depend upon it.

A solution of the Palestine problem should come first on the agenda and no solution was likely to prove possible without the involvement of the Palestine Liberation Organisation. President Sadat himself had voiced this view.

It did not believe that Israel's reliance on security for Jews if the Palestine problem remains unresolved. A solution, therefore, must be found for the Jewish people which is compatible with Israeli security. I do not believe it can be found without the involvement of the PLO and some way must be found to follow from this.

The result was a growing confusion in the world about American policy on some of the major issues. This uncertainty and confusion was profoundly damaging and disconcerting to those people who believed that any government depended on close cooperation between Europe and a United States administration which knew its mind.

In the last six months the tragedy in El Salvador had deepened. Thirty thousand men, women and children had been killed by the security forces. There also the beginning of the year in circumstances of appalling brutality.

It must be obvious that there was no solution to the problems of

that unhappy country in continuing civil war. A negotiated settlement was vital.

Some of the remarks by Mr Hall, the United States Secretary of State, about Cuba had a disturbing ambiguity.

If the Americans rejected the Brezhnev initiative in Afghanistan they could not fit some form of Reagan administration on governing United States relations with its neighbours in Central America and the Caribbean. The United States permitted the training of terrorists from those countries on United States soil.

He could not believe an administration which had declared itself against international terrorism should permit the training of terrorists on her own soil for use in countries bordering on the United States.

There was deep concern at the Government's apparent tightening of relations between Britain and the regime in Cuba, particularly the refusal to sell warships to Chile. He must tell the Government and warn Chile that when Labour returned to power they would consider the possibility of operating when they last controlled affairs.

On Namibia, he agreed that some South African troops had been taken to repair the damage caused by the South African sabotage of the United Nations process in January. Policy towards such an important prospect of long delays in phase two of the new proposals before elections could take place.

Mr Hall had said that delay in achieving independence for Namibia could push Angola further towards the Soviet Union and the possibility of the occupation forces in Angola. He hoped Britain would maintain maximum pressure on the South African Government to accelerate the process to the maximum degree.

The question of the Middle East would be discussed in the context of the world was more pregnant with the possibility of conflict which might lead to world war.

The behaviour of some United States government spokesmen following the murder of President Sadat was not the way in which a great power should develop its policy towards such an important and complex part of the world.

What the murder of President Sadat had done was to put the United States in a position of moral and political isolation. The European initiative, which was flagging over recent months, had suddenly revived in importance.

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Climate of 80s will be less favourable

LORDS

There had to be an objective realization by public opinion not yet wholly attuned to the reality that unless there was some wholly new factor, the climate of the 1980s would be altogether less favourable than that of the 1960s. Lord Hailsham of St Marylebone, Lord Chancellor, said in opening the second day of debate on the Queen's Speech.

Lord Hailsham said that in the meantime they must get rid of two or three illusions. In the first place, the climate of the 1980s would be altogether less favourable than that of the 1960s. Lord Hailsham said that in the meantime they must get rid of two or three illusions. In the first place, the climate of the 1980s would be altogether less favourable than that of the 1960s.

They had just got through a decade when successive governments had more or less doubled the national debt.

The nation now spent more on interest than on defence, than on health.

He had heard the Government called deflationists and those who used the term called for reflation, but the Government was trying to reduce the rate of inflation.

He had heard it said the Government was trying to cut expenditure, but it was trying to restrain the increase when the growth of national production was static or negligible.

He understood critics on the right who complained that the Government expenditure was still inflationary.

However, he could not understand the critics on the left who said that the Government was following deflationary policies and that the remedy was a 'fast' increase in public expenditure. They had not realized the facts of the situation.

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ment and volume of the increase, particularly in the biggest centres of population where the biggest incidence of unemployment existed.

Lord Widdowson (L) said all the experience of the re-conviction rates tended to show that they were remarkably similar whatever form of punishment was inflicted upon juvenile offenders. The sentence must be not right, but it was desirable to recognize that increasing the range of sentences was unlikely to solve many problems.

Lord Aylestone (SDP) said he could not accept that most of the nation's problems were attributable to massive unemployment, although that was a contributory factor. He was old enough to remember the demonstrations and marches of the 1930s. There was little trouble for the police to deal with then.

The Bishop of Worcester, Dr Robert Woods, said he had reason to think that the Services would have considered fairly willingly a work experience scheme for some thousands of young unemployed. It would have given them an opportunity of learning a trade and seeing the meaning of a disciplined community and would have been of benefit to all concerned.

Lady Maclean of Borve (C) said that the Government was doing a great deal but she would like to see the training of young people who could not get a job extended for a year so that they could go abroad and work in third world countries whose needs were great.

Lord Simon of Glaisdale said that there was a plan to develop land which would spoil the view of Beverley. He was not sure that it was in spite of an adverse report by the local government ombudsman.

The ombudsman's findings were to be flawed and his submission dismissed in contemptuous terms. There would be no doubt that the Government was not doing its best to prevent bureaucratic excesses and local commissioners were inadequate to secure justice for outraged citizens and to prevent bureaucratic excesses.

Lady Faithfull (C) said this country had the highest number of young people in custodial care within the EEC and yet it was being effected. She questioned whether it was right to spend so much money on detention centres when as yet there was no evidence that they were effective.

Lady Stedman (SDP) said a healthy democracy required that rates, if they were to continue, had to be based on a sound basis. Alternatively there should be a local income-tax collected by PAVS and returned to the local authorities.

Lord Underhill (Lab) said that after the past few days at British Leyland he hoped the Government would regard the fact that it was in mind on labour relations legislation. There was a clear lesson that employees could not be threatened and dismissed. Those days were well past.

One good thing that might have come from this near tragedy was that there would be a new agreement to establish improved labour relations at BL and the development of more employee participation.

Lady Platt of Writtle, former chairman of Essex County Council, said the legislation to improve the accountability of local authorities should be carefully drafted to preserve the freedom of local authorities to continue to attract members of the public to serve the community.

Lord Belstead, Under Secretary of State, Home Office, said the Criminal Justice Bill would give effect to the White Paper on sentencing young offenders when there was no alternative to custodial sentences.

The appropriate action was to give effect to the 1970 Act and to the present - bursary and attendance centre sentences would be reduced to a single sentence. However, they would not be reduced to the training aspects of bursary.

The Government was not trying to move forward or more to the question of custodial sentences. The detention centre order would be maintained with a three-week minimum sentence.

He also proposed extension of community service orders to 16 years olds and there would be more and clearer powers to require parents to shoulder their responsibilities.

The debate was adjourned.

Speaker rules out debate

SPY CASE

The Speaker (Mr George Thomas) refused an application from Mr Dennis Davies, an Opposition spokesman, to debate the lack of public confidence in the British security service in view of the recent revelations about the espionage activities of Mr Leo Long.

Mr Davies (Wear, Strikingshire, Lab) said that the last time the matter was debated in November 1979, MPs were assured by the Attorney General (Sir Michael Havers) and it was confirmed in a subsequent reply by Mr Margaret Thatcher, the Prime Minister, to himself that since the Second World War there had been only one case of immunity from prosecution being given to a self-confessed traitor, and that was Anthony Blunt.

Now another self-confessed traitor, Mr Leo Long, had been given immunity from prosecution for some reason or other, he had not been prosecuted.

It was important to debate these matters because it would be bringing the law into disrepute if members of the public got the impression that there was no law for the old boy network of traitors and another for the rest.

Mr Long said in one of his public statements that some of his contacts or former contacts might still be in important positions. It might be that some of them were still the security service, still in a position to betray the trust bestowed upon them.

It was important for MPs to ally the suspicions of the public, who might be afraid of a massive establishment cover-up over these matters.

People were asking how many more traitors were there still going to come crawling out of the woodwork of the British establishment.

It was doing damage to credibility at home and overseas, to the extent that the security service must be the laughing stock of the world.

Parliament today Commons (9.30): Continuation of debate on Queen's Speech. Main topic will be NHS.

No delay in budget rebate

STRASBOURG

The European Parliament in Strasbourg rejected a budget committee proposal to claim the right to the repayment of half of Britain's budget contribution rebate.

During voting on proposed changes to the EEC Commission's draft budget for 1982, MEPs defeated the Committee's amendment to put £430m of the repayments into the reserve fund until the United Kingdom provided evidence that the money would be spent on special programmes to help the needy regions.

A similar amendment by Parliament's Socialists, Group, which wanted to see the British Government would not use the money to reduce its spending on structural policy, was also rejected.

Mr Andrew Pearce (West Cheshire, ED), in explanation of his vote on the budget committee's report, agreed that there was a need for structural policy to be used to inform the public properly about

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People were asking how many more traitors were there still going to come crawling out of the woodwork of the British establishment.

It was doing damage to credibility at home and overseas, to the extent that the security service must be the laughing stock of the world.

Parliament today Commons (9.30): Continuation of debate on Queen's Speech. Main topic will be NHS.

No delay in budget rebate

STRASBOURG

The European Parliament in Strasbourg rejected a budget committee proposal to claim the right to the repayment of half of Britain's budget contribution rebate.

During voting on proposed changes to the EEC Commission's draft budget for 1982, MEPs defeated the Committee's amendment to put £430m of the repayments into the reserve fund until the United Kingdom provided evidence that the money would be spent on special programmes to help the needy regions.

A similar amendment by Parliament's Socialists, Group, which wanted to see the British Government would not use the money to reduce its spending on structural policy, was also rejected.

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Times reporters examine the background to the case of Dr Leonard Arthur, and its effect on the future treatment of babies born handicapped

Quality of life—where no-one can be judge

By Nicholas Timmins

"We are extremists, as you have probably realised," says Mrs Nuala Scarisbrick, founder and organizer of LIFE, the anti-abortion group which reported Dr Leonard Arthur to the police.

She says it with a light, almost derisive laugh, in reference to the attitude of LIFE to abortion, which it would ban in all cases except where the mother's life was at risk. It is extremism of which LIFE stands accused by many doctors over its attitude to the treatment of severely handicapped new born babies.

Mrs Scarisbrick, however, says: "We are not saying that all human life must always be given every possible form of support. Where a child is born with a lethal, untreatable condition, we would not ask for the impossible. There are many situations in which a doctor's clinical judgment will enable him to decide whether or not an operation will benefit the child. Where the decision is purely clinical, people like us have nothing to say."

It is when they start talking about quality of life that the alarm bells ring because they are not being doctors any more, but judges. Nobody can judge another person's quality of life, or decide for them whether it will be worth living. I cannot predict that. You cannot. I do not see that a doctor can, with or without the knowledge and consent of the parents. "No body has the right to kill another human being."

It is that attitude that has led LIFE in the past four years to report 10 cases to the

police where it is alleged that doctors have been involved in late abortion or the withholding of treatment from handicapped new born babies. In the latter cases, the babies are said to have been fed only water or milk on demand, with painkillers or sedatives, thus allowing them to die. LIFE calls that simply "premeditated killing."

LIFE was founded in August, 1970 by Mrs Scarisbrick, now aged 42, and her husband, Professor John Scarisbrick, Professor of History at Warwick University.

The allegations came chiefly from nurses and junior hospital doctors, not all of them LIFE members. In every case, except Dr Arthur's, the Director of Public Prosecutions has decided not to prosecute.

LIFE's position is clear cut. The child has a right to life, whatever the likely quality of that life. "Compassion can be used as a vessel word to encourage an attitude of disposability towards anybody who is less than physically or mentally whole", Mrs Scarisbrick says.

Far more effort, she adds, should be put into residential accommodation, fostering, and adoption for those children rejected by their parents. LIFE itself hopes to create a "place of safety" hospice for rejected babies, and a register of parents willing to adopt and foster.

Courage and calm of man in the eye of the storm

By Arthur Osman

From the outset of his long ordeal Dr Arthur abhorred any idea that he was a martyr in the cause of pragmatic paediatrics.

He emphasized that view when first questioned by the police a few days after the death of John Pearson, the Down's syndrome baby at the centre of the case, and has repeated it to several of his closest friends in the profession.

He was acquitted yesterday at Leicester Crown Court of the charge of attempted murder.

Dr Arthur's firm stance, according to friends, was typical of the man who, while diffident and sometimes irritatingly absent-minded in his private life, has great courage and a quality which combines with gentleness, concern, and commitment.

He also has an additional quality, that of tranquility. That was apparent to those who watched him in his isolation in the dock.

Dr Arthur was born in London in 1926, the son of the Rev John Arthur, MC, and Mrs Amy Arthur, and religion has always been an influence in his life. He married into one of the most renowned of medical families, his wife, Janet, being the daughter of the late Lord Brain. He had been president of the Royal College of Physicians of London and of the British Association. Mrs Arthur is a Quaker and a Justice of the Peace.

His father, who was described as being "no mean poet" was a great friend of Walter de la Mare, Lord Brain's publisher, who died in 1957 nearly 25 years ago in which his daughter as a young girl was featured prominently.

The Arthurs have six children and they live in a flat-fronted extended cottage decorated in a lime-green wash in the centre of the small hamlet of Church Broughton. It lies in well-wooded country to the west of Derby and hard by is the skeleton of a wartime RAF airfield.

It is by the account of friends a cheerful if unconventional household. One outer door has on it a large painting of a zebra; inside, books fill every nook and cranny and they can be seen from the road stacked on virtually every window ledge.

Dr Arthur was educated at Aldenham, Epsom, and Magdalene College, Cambridge. In 1957 he passed the examination for membership of the Royal College of Physicians of London.

He was appointed house surgeon at Mount Vernon Hospital and house officer at the Middlesex Hospital before, in 1952, joining the RAMC. He was attached to the Durham Light Infantry and was posted to West Germany. He volunteered for service in the Korean war and later served in Egypt.

On his return he held hospital posts at Newcastle-upon-Tyne General and the Royal Victoria Infirmary, the Central Middlesex, Birmingham Children's and Freedom

Fields, Plymouth. He spent three years in Nigeria from 1959 as senior registrar in paediatrics and went to Derby in 1965 as a consultant. He is a fellow of the Royal Society of Medicine and a member of the British Paediatrics Association.

His other activities include a governorship at a local school for handicapped children and helping the East Midlands Riding Association for handicapped children and adults.

When he was sent for trial and was suspended awaiting its outcome a petition was raised in Derby attracting more than 13,000 signatures. It was sent to the Trent Regional Health Authority and urged his reinstatement.

Dr Bernard Laurence, now retired from paediatrics, who once worked with him at Derby, said: "I was rather appalled sometimes at the efforts he went to to save malformed babies, badgering surgeons into performing operations. I sometimes felt he went too far. But it is a reflection of his attention. Of course age alters attitudes, particularly those towards the terrible burden placed on the parents of such children."

An indication of his moral strength came some years ago when he was put up for election to a fellowship of the Royal College of Physicians by Dr Laurence. He refused the chance, one of only two to have done so, saying he did not think he was worthy and musing about his disapproval of "the old boy network". His father-in-law was then president of the college.



Rebecca (foreground), a Down's syndrome child at the age of five, pictured with her sister, Amy, aged four. Rebecca was the first child of Craig Seton, a reporter with The Times, and Jean, his wife, who decided shortly after their daughter's birth to permit her to have an emergency operation to remove an intestinal blockage without which she would have died.

She was also born with a complicated hole in the heart and a further digestive ailment. In her five years Rebecca has survived her heart condition, pneumonia

on several occasions, whooping cough and hepatitis and now attends a normal infants' school in south London.

Although she has suffered frequently, and typically for Down's children, from severe colds and coughs which have required many months of antibiotic treatment, Rebecca enjoys a full and active life and goes to dancing and swimming lessons. She also has a wide and improving vocabulary, can communicate and comprehend satisfactorily and her parents have high hopes that she may be able to read and write.

Sharp lesson of the expert evidence

The withdrawal of the murder charge against Dr Arthur turned on what the judge has described in his summing up as inadequate expert evidence. The whole affair was seen as being a considerable embarrassment for Professor Alan Usher of Sheffield University, one of Britain's most distinguished psychologists.

The judge said that without Dr Arthur having skilled and

thorough representation there might have been no conceivable way to challenge it with all the respect and dignity of Professor Usher's position.

He continued: "It is a very sharp lesson that we should all examine the evidence of experts on both sides with great care. Otherwise we might arrive at a situation which could be viewed with alarm."

After seeing slides showing the histology of the baby's organs, Professor Usher asked to examine them in a laboratory. On his return to court he altered his opinion in a number of respects about the baby's pathological condition after death. He agreed the baby had organic defects in his brain, heart and lungs which were present before birth. The judge said that the baby was not healthy as the prosecution had submitted.

A new era now of stricter standards

By Dr Tony Smith, Medical Correspondent

Not since 1938, when the distinguished gynaecologist, Aleck Bourne, was prosecuted for aborting a girl aged 14 who had been raped, has a doctor been charged with a criminal offence for treatment that many of his colleagues would not condemn.

Mr Bourne deliberately invited prosecution as part of the campaign for reform of the law prohibiting abortion in any circumstances. He successfully appealed against conviction but his trial had had a lasting effect on medical practice, most obviously in the refusal to have anything to do with abortion and the few who did terminated pregnancy only in desperate circumstances.

Dr Arthur's trial seems likely to have an equally definitive effect on paediatricians' treatment of newborn infants.

Even Roman Catholic theologians now accept that in some cases an infant is born with such severe disabilities that lifesaving treatment may justifiably be withheld. Where in the spectrum of opinion that line has been drawn in the past has varied from one doctor, and one set of parents, to another.

In most hospitals recent policy has depended on two factors: parental opinion and the severity of handicap. When parents want every possible treatment to be tried to preserve their baby's life, doctors will carry out those wishes. If, however, the parents are uncertain or positively reject their new born baby because of mental or physical handicap, the medical assessment then depends on the severity of the handicap and the need for immediate treatment.

Only if the child has a serious handicap and would be likely to die without

specific treatment would doctors prescribe "nursing care only" and allow nature to take its course. An otherwise healthy child with moderate or mild handicap, rejected by parents, is usually fostered or taken into institutional care.

Inevitably, this consensus policy will change in the aftermath of Dr Arthur's acquittal.

Despite the court's decision, other paediatricians will be reluctant to risk a prolonged court action. Many will fear similar charges, and will set stricter standards for withholding treatment from newborns with irreparable handicaps.

Probably little change will occur in the policy of selection for treatment. Infants unlikely to benefit and withholding treatment from those whose outlook is irretrievably bleak, but even when doctors and parents are agreed that treatment should be withheld, fewer paediatricians will now have the confidence to order any specific activities that might hasten the child's death.

In future, when the decision is "nursing care only" the process of dying seems likely to be longer.

Yet whichever way the verdict had gone, and despite the beliefs and actions of campaigners from LIFE and the Society for the Protection of Unborn Children the pace of medical progress will sooner or later force legal recognition of a selective treatment policy.

The pressure for selection will come from two trends. Firstly, more and more handicapping disorders will be identifiable early in pregnancy.

Secondly, as treatment methods improve, virtually every liveborn infant will be salvageable.

Conflicting hopes at today's Irish summit

Earlier this year a group of British and Irish civil servants were having dinner in Dublin; the conversation turned to mutual congratulations about the ever-improving cross-border security cooperation.

Recent successes in the south had indeed been impressive, everyone agreed. An English civil servant from north of the border chipped in. You have to remember, he said, that the average Ulster strikers held it only for a matter of weeks, it is likely to be won by the British and opposition.

Both parties compete to extract every ounce of "unification" from negotiations with the British. Dr FitzGerald's predecessor, Mr Charles Haughey, has been busy creating a neat political box for the government: he has previewed a colourful version of what might emerge from the summit. If it is recast as a success, he should be in a position to take some of the credit, and if it falls below expectation he will be able to imply, or claim, that he would have done better.

In this atmosphere, Dr FitzGerald's recently declared "crisis" in the Republic's Prime Minister's coalition is a bold move. There are some purely domestic reasons for overhaul but it is essentially designed as an offering to the northern unionists.

Dr FitzGerald wants to create a scenario in which the southern unionists would find acceptable the

watering down articles Two and Three, which claim the north as part of the republic, diluting the heavily Catholic bias of the documents.

The northern unionists not directly affected, may give the ideas a cautious welcome at a distance, but their politicians have already begun pointing out the obvious: that there will be few converts to the idea of Irish unity as a result.

Irish ministers have been careful to say that they would not put the proposals to the test until the ground was prepared.

At this point, officials describing the possible future of the constitutional plans tend to trail their sentences off into significant silences, indicating that they depend for their success on what Britain is going to "do" about the North.

Enter the famous "Joint Studies", begun last December, which acknowledged for the first time that Dublin had a role in the future of the North.

The weakness of the "Dublin dimension" with Mr Haughey as the Republic's Prime Minister became quickly apparent. He used the summit's communiqué as the text for a series of broad hints that the North's constitutional future might be for negotiation. This improved his election prospects in inverse proportion to the damage done to them by the deteriorating economy.

It emerged that it was not the Republic's job to woo the North, but rather to wait for Britain to withdraw, an attitude best summed up by the foreign minister, Mr Brian Lenihan, on a voter's doorstep in June: "Listen. You remember the Robert Kee history series on television. What that was all about is that the British are preparing to withdraw, so we have to work politically with them."

Throughout all this, groups of civil servants shuttled in strict rotation between Dublin and London. Much of the joint study was technical and uncontentious: what legal problems would be raised by giving the vote to English people living in Ireland, can there be better joint-marketing of the island's appeal to tourists, how do you feed electricity from the North to the South without the Provisional IRA periodically blowing up the line?

The contrast between what the two sides read into what they have talked about is best illustrated by the "Anglo-Irish Council". The simply the title of convenience for a body which, as yet, has no title. If it ever acquires one, it is sure to be of potent symbolic importance. The top and bottom level of the council will be that title applied to what already happens: meetings between ministers and civil servants respectively. Both sides have agreed (and were already agreed last December)

that it would be nice to have a middle layer of public representatives.

Try as they might the Irish side have failed to come up with a satisfactory mechanism for finding them. This is quite apart from the fact that there is no evidence that any unionist politician is going to go anywhere near it. The English and Irish delegations can be provided by a mixture of European and national parliamentarians, but now are the communities of the North to be represented? There are only three Catholic MPs or MEPs in the North: Mr John Hume, of the SDLP, Mr Owen Carron and Mr Gerry Fitz.

Mr Fitz's pro-Government stand has driven him to the political margin. Mr Carron is not a likely participant and that leaves Mr Hume. Various by-passes around the problem have been canvassed: nomination, proportions, drawn from local election results, or special elections. All have been rejected.

Looked at from this angle, the "council" joint study — the only one of real importance — has not proceeded far in 10 months. It may be no bad thing: if both governments genuinely agree that change proceeds only by consent, that by definition means at a snail's pace.

George Brock

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International Year of Disabled People

Eight ways out of the stalemate

Everybody has views about the solution to British problems in Ireland and they are as old as the British presence on the island. The Irish prefer to call it Ireland's English problem.

During the hunger strike, politicians rediscovered Northern Ireland, widening the range of options on offer. This is an opinionated layman's guide.

Unity: Such a huge range of possibility that it has to be subdivided, and the subdivisions are distinguished by the words "by consent" or "by agreement". BLESMA looks after the limbless from all the Services. It helps to overcome the shock of losing arms, or legs or eyes. And, for those severely handicapped, it provides Residential Homes where they can live in peace and dignity.

Power-sharing: To avoid the associations of past failure, this was rechristened "partnership" during Mr Humphrey Atkins' abortive attempts to set up a local administration during 1980. It is a paradox. None of the politicians — with the exception of the tiny Alliance Party — there or on the mainland support it. Yet each opinion poll confirms that it is the only solution which has any chance of not being vetoed by some section of opinion.

Federal Ireland: There are many variants on this theme, whose most articulate exponent has been the current Prime Minister, Dr Garret FitzGerald (who calls it a "confederal solution"). The two parts of the island would be largely autonomous, but under a joint power-sharing administration.

Direct rule: The status quo and, since the abolition of Stormont in 1972, the fallback whenever a new initiative fails: most politicians agree that it is insufficient. The Conservative manifesto committed the party to returning more power to local councils, a rash promise which it shows no sign of fulfilling.

that the present arrangements be rationalised by full integration into the United Kingdom, an idea which does not even command full support inside that party.

Independence: Currently proposed by the unlikely combination of Mr James Callaghan and the Ulster Defence Association. Neither have attracted massive support among politicians although Mr Callaghan's proposal was vaguely endorsed by The Sunday Times a month after it was first framed last July. But a Gallup poll conducted in August for New Society confirmed that in a list of crude alternatives (union with the south, independence, the status quo) independence has the highest rating with 37 per cent. An identical poll in 1974 gave it 36 per cent.

Withdrawal of the guarantee: This hardly amounts to a full-scale policy, but popped up during the hunger strike and from two Labour spokesmen. The guarantee in question is the promise given by successive governments that the people of Northern Ireland will not be deprived of United Kingdom citizenship without the consent of the majority in Northern Ireland.

Interviewed on Weekend World, ex-Northern Ireland Secretary Mr Merlyn Rees said many Protestants were not very "struck" on the guarantee and that removing it might "make people say 'well, we've got to have it all very well, even when you have it removed, you are not then going to push people into the south'."

The EEC: In May, Dr David Owen said in a speech that the British government could not solve the problems on its own. Along with the Republic, it should "place the whole issue of Northern Ireland into the framework of European political cooperation." This appears to have become the basis of Alliance policy on the question, as described by David Steel.

The United Nations: Regularly canvassed by politicians who do not want to line up with any of the



The Summits

major opinion blocs, its latest advocate is Mr Tony Benn. "I am quite persuaded," he said earlier this year, "that the British military presence is a major part of the problem", and added that a UN peace-keeping force would be one alternative to stopping a bloodbath if they were withdrawn.

Numerous objections have been raised to this over the years: the UN might not agree, UN forces have their uses as supervisors of buffer zones but might not be so good at peace-keeping in an intermingled community and unless their presence was very temporary, the Provisionals might just simply regard them as British proxies and carry on shooting.

Repartition: Proposed by ex-Irish cabinet minister and editor-in-chief of The Observer, Dr Conor Cruise O'Brien, in May. He suggested redrawing the border to put the predominantly Catholic border areas in the Republic and to reduce the level of terrorist activity which happens in them.

It attracted widespread criticism, not least on the grounds that the population on the northern side of some parts of the border, such as Fermanagh, is an almost even mix of Catholic and Protestant.

Troops Out: An umbrella title for the various shades of extreme Republicanism which concentrate on the removal of the British by force or by vocally supporting

violence. They may disagree about what should happen after the British have gone, but they wait to worry about that until the main objective is achieved.

The Provisional IRA, has itself changed its ultimate political prescription over the years, depending on the influence of left-wingers, who are currently in the ascendant.

The H-Block issue, which united several Republican splinters into an effective alliance, has now almost faded from view. Executive member Danny Morrison told the Provisional Sinn Féin annual conference last weekend that the way forward was with "a ballot paper in one hand and an Armalite in the other".

G.B.

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Why the Dr Arthur verdict is right

by A. J. Ayer

The moral questions which the trial of Dr Leonard Arthur and similar recent cases pose are various but closely interlocked. Has one the right to dispose of one's own life, whatever the circumstances? If some other person, in full possession of his faculties, wishes to put an end to his life, and one is in a position to make this easier for him, is it wrong to give him the assistance that he needs?

Is it always wrong to take the life of another human being who does not wish to be killed, or are there special circumstances such as his being a convicted criminal or a wartime enemy in which such killing is necessary? If a person is sane, to the point where he is unable to make a rational choice between death or the continuation of life, has one ever the right to make the decision for him?

If he is obviously in great pain, has one the right, or even in certain cases the duty, to put an end to his suffering? In the case of an infant who has not yet acquired the use of reason, is it ever permissible to prevent his entering any further into a life which would, in all probability, be a source of much greater misery than happiness both to himself and to those who will have to care for him?

If the person who has to make the decision in such a case is a doctor or nurse should one draw a distinction between positive and negative action? Should one overlook the irony in A. H. Clough's commandment "Thou shalt not kill but need not strive officiously to keep alive"?

There is indeed the preliminary question: what constitutes a living person? This bears particularly on the question of the legitimacy of abortion. There are

many who would condone abortion but not condone the ancient Greek practice of infanticide. I think that it is to some extent arbitrary where one draws the line, but I believe that there are stages in the development of a foetus at which it can reasonably be judged not yet to have attained the status of a person.

I believe that at such a stage the prospective mother has the right to arrange for the termination of her pregnancy just as she and her husband or lover have the right to practise contraception. It is for them to decide whether they wish to assume the responsibility of parenthood.

I believe that the definition of death is subject to some medical latitude. There are cases in which a person is kept alive even when he has lost consciousness and has no prospect of recovering it. All I wish to say on this point is that I can see no excuse for this practice. What justification can there be for condemning a human being to a purely vegetative existence?

There are those who would answer this by saying that, whatever the circumstances, it is always wrong to take human life. If they claim this is an absolute principle there is no way of confuting them; one can only confront them with difficult examples such as that of a dying man begging to be put out of his agony.

There is, however, one other point worth making here. Many people who adopt a position of this kind do so on religious grounds and this can be shown to be fallacious. The argument is not that they are mistaken in their religious beliefs, though I think that they are, but that no moral judgment can be founded on authority. This is a point which



A. J. Ayer: 'A doctor who acts from purely humane motives ought not to be either morally or legally condemned'

has been most succinctly put by Bertrand Russell. "Theologians have always taught that God's decrees are good and that this is not a mere tautology; it follows that goodness is logically independent of God's decrees."

This is not to deny that religious belief or the secular advice that one may seek can influence one's moral choices. The fact remains that one still has to make the independent judgment that what the authority in the case enjoins is right.

The preliminary question is what constitutes a living person?

It has sometimes been held that the killing of non-combatants in war is murder. Unfortunately, it is rarely possible in modern warfare to draw such a fine distinction. I do not think that the question of engagement in warfare is one for which a general rule can be laid down. I think it right to fight in the last war. Whether it will be right to take part in any future war of such a scale would

depend on the circumstances under which it were fought.

I am opposed to capital punishment because it is vindictive and because it is irrevocable where there has been a miscarriage of justice. There is, however, a case to be made for the practice which obtains in some American states of allowing a convicted murderer to choose between execution and imprisonment.

If, as I believe, one has a right to take one's own life it does not follow that it could never be wrong for one to do so. It may cause greater harm to other persons such as the members of one's family than the termination of one's own suffering or misfortune would justify. Here again a verdict must depend on the circumstances of the case. If it goes in favour of suicide, as it often may, then I think it right that there should be an organization like EXIL, of which I am in fact a member, providing the information which makes death easier to embrace.

The strongest argument on the other side is that the information may fall into the hands of would-be murderers. I attach some weight

to that argument but not very much. Resolute murderers find the means anyhow. Irresolute murderers are held back by the fear of detection and this would not be seriously diminished.

The hardest cases are those in which there is a question of terminating the lives of persons who are no longer or not yet, in a position to make a choice. I have passed over the cases like that of the Jonestown massacre where the subjection of one's will to that of another person makes one's choice illusory. Where hysteria prevails the result is most likely to be evil.

I am concerned rather with senility and handicapped infants. The difficulty here is that we are dealing with probabilities. A senile person may recover his faculties but when it is virtually certain that he will not, then I think it clear that no special steps should be taken to prolong his life and I think that under certain conditions — including for example the attitude of the family — a doctor should be authorized to bring it painlessly to an end.

The question of handicapped infants is the most difficult of all, for one thing because the probabilities are harder to assess. A strong case might have been made for not allowing any of the Thalidomide babies to live, but one knows that many of them have developed into reasonably happy children. A great deal depends here on the attitude of the parents. I am inclined to say that the child should be allowed to live if the parents are resolved to care for it lovingly, though there is the danger that they may be overestimating their own strength of purpose.

If the child is to be condemned to an institution where there is a strong probability that it will suffer deprivation and be a burden to others, then I do not think it should be suffered to live. But here most of all there is danger of generalizing. Particular cases should be decided on their merits.

The law distinguishes between motive and intention. So does moral philosophy, but here the emphasis falls rather upon motive.

I believe very strongly that when the circumstances are such as those in the case of Dr Arthur, a doctor who acts from purely humane motives ought not to be either morally or legally condemned.

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Can anyone save the castle Victoria loved?

The Prince Albert Memorial Lecture will be given by Lord Blake today in the Ehrenburg Palace in Coburg, West Germany, on Prince Albert and the Crimean War. The occasion has been organized by the newly founded Prince Albert Society, of which Prince Philip is patron. An agonizing subject for discussion at a meeting preceding the lecture is the long-delayed restoration of Rosenau Castle, Prince Albert's birthplace.

On his death bed Prince Albert imagined hearing the birds singing in the garden of Rosenau Castle. He confided his delusion to his distraught wife, Queen Victoria. Both loved the romantic fifteenth century castle where Albert was born, where he was brought up and played as a child, where he later took his wife and where his widow was to pay nostalgic visits: "Victoria Regina, sorrowing widow of the beloved Prince Albert," she wrote in the visitors' book which is still preserved in the ducal archives in nearby Coburg.

Cherished as it was by Victoria and Albert, Rosenau has suffered a catastrophic fate. What until before the First World War had served as a ducal home with royal connections became after the Second World War a municipal old people's home, and when it became too inconvenient and expensive to run as such, the old people left.

Everything left, everything was abandoned and the castle and surrounding park faded back into history. The park and lake retreated into the undergrowth, inside the once beautifully appointed, now crudely partitioned off rooms, a barracks-like institution remained as mute witness to municipal poverty and national disregard. The local authorities could not afford reconstruction.

Unused and uncared for, unheated, unbedded, rain seeped in through the leaking roof; the floor of the Marble Hall rose in winter and the wind whistled in through holes in the windows.

But at least one person cared: the Mayor of nearby Rödental, Edmund Fischer, who for more than 20 years has waged a lone campaign against local and national government to ensure the castle's restoration.

Herr Fischer has lobbied, pleaded and stormed with



Rosenau Castle: a monument to twentieth century ingratitude and unconcern

officials and politicians high and low. He has shown countless people round the castle, listened to innumerable plans and examined many schemes for finding a new use for the building, but still he has only a gigantic file of correspondence to show for his efforts to save the interior.

True, work has been carried out on the facade, the roof has been repaired, the attic has been restructured and the parkland has been rescued from the undergrowth, but restoration of the interior, essential if the castle is to be put to a new use in keeping with its history, still eludes him.

Promising suggestions have been made. Prince Philip suggested converting the building into a Prince Albert Archive and an Anglo-German meeting place. Others thought of establishing a school, a college within the building, but attractive and seemingly excellent though such suggestions are, money remains the stumbling block.

"A ray of hope," as the Mayor generously put it,

shone through when the University of Bayreuth and the City of Coburg held a two-day seminar on Prince Albert and the Victorian age in May 1980 under the patronage of Prince Philip, who was represented by the Duke of Gloucester. The lecturers included Lord Briggs and Lord Blake, who was Oxford University's Sir Robin Mackworth Young, librarian at Windsor Castle, Professor Jacques Willequet of Brussels University and Professor Kurt Kluxen of the University of Erlangen-Nürnberg.

The Duke of Gloucester gave a lecture, laid a wreath at the Prince Albert Memorial in Coburg and planted trees in memory of Victoria and Albert in Rosenau Park. But one thing he could not do was enter the castle. He had to be content with pressing his nose against a window of the Marble Hall.

Bayreuth, Bavaria's oldest journal, devoted an issue to Rosenau Castle with contributions by the lecturers at the seminar and messages from the Duke of Gloucester, the British Ambassador and local dignitaries. Most important, Herr Franz Josef Strauss, Bavaria's Minister President, promised to restore the castle.

The magazine also featured an interview with Baron von Crailsheim, head of the Bavarian state organisation responsible for the castle's upkeep. He said restoration would cost more than 7 million marks (about £1.5m) but he was confident the money would be found and the job completed by 1985. A board went up in the castle grounds announcing that work was to begin, but it was discovered that the estimate was sadly out of date because of inflation and the work would cost considerably more.

Apart from the now beautiful manicured park, Rosenau is back where it started. The birds still sing in the castle garden, but today their note sounds shrill. Rosenau Castle, Prince Albert's birthplace and a landmark of European history, has become a monument to twentieth-century ingratitude and unconcern.

To think of its restoration is like building castles in the air.

John Phillips

The author was the editor of Prince Albert and the Victorian Age (Cambridge University Press).

The unreal world of Labour's ayatollahs

David Watt

The trouble is that the Labour Party is indulging not so much in a moral discussion as a moral orgy

On the ancient principle, perhaps, that the best way to distract attention from calamities at home is to embark on a venture overseas, the Labour Party is holding a conference at Queen Mary College this weekend specifically to discuss foreign affairs. It is not such a bad idea. To many Labour strategists foreign policy must seem the best card the party has in its hand at present.

In contrast to domestic issues such as unemployment, from which the Social Democrats benefit as much as, if not more than anyone else, the Government's foreign policy bestows some exclusive rights to electoral popularity on Labour. As the only party opposing membership of the EEC and unequivocally backing unilateral nuclear disarmament, it is on to one good and another increasingly good thing.

What is more, these are questions on which there is at least some faint semblance of consensus within the party. Of course there is a rumour of misguided crypto-Jenkinsism among Labour MPs who stick to their ridiculous pro-market obsessions, and unilateralism has some way to go in the country. But here are two causes on which Mr Foot, Mr Benn, the party activists and most of the trade union establishment can unite, and if Mr Healey and others of his persuasion are a

bit queasy about it, they are still going along quietly.

This analysis is all very well so far as it goes, and no doubt the 200 Labour delegates will have a bean this weekend on the strength of it. The drawback — or at least the doubt — is that public opinion may not be quite as amenable as is supposed. The opinion polls show impressive support for Labour's two main propositions. The last MORI poll (now three months old) gave 54 per cent in favour of withdrawal from the EEC and 32 per cent in favour of unilateral nuclear disarmament (with a heavy weighting towards unilateralism among the working class).

The snag is that neither issue ranks particularly high in the minds of the voters. For instance, a MORI poll taken in Croydon during the by-election last month showed that 61 per cent put unemployment as the most important problem facing the country, only 6 per cent listed the EEC even as one of a number of important problems, and 14 per cent listed defence and foreign policy. This latter figure certainly shows that the CND campaign has had some effect but neither percentage overturns the evidence of the Croydon result,

which is that these issues do not swing many votes.

But beyond the details of Labour's policies is the question of tone and the overall credibility of a Labour foreign programme. There are some good things in the discussion document, the Socialist Foreign Policy, which is to form the basis of this weekend's debates. It has a (possibly disingenuous) moment of honesty when it points to the conflict between the party conference's rejection of a call to withdraw from Nato and its equally emphatic rejection of the fundamental tenet of Nato strategy, namely the possible first use of nuclear weapons.

It shows some modesty about the Middle East, whose problems "the British Labour Party is not going to solve", and a spark of commendable generosity towards the Third World, which is to receive some (unspecified) "preferential treatment" amid the welter of British exchange controls, tariffs, quotas, subsidies and devaluations which would a Labour government would load everyone else.

Nevertheless, the overwhelming impressions of the discussion paper are how much ideological baggage it is carrying, how bizarre are its priorities and how

static and defensive it all is. Of the baggage, the most important piece is a nagging anti-Americanism. We are not three paragraphs into the pamphlet before we are told that "our membership of Nato cannot mean that we allow ourselves to be drawn into the vortex of United States foreign policy, particularly as this appears to be returning to the old-style imperialist aggression in Central America and elsewhere".

Then, what are we to make of this piece of history: "The defeat of Nazi Germany... created a situation where the Soviet Union felt constrained to abandon its former alliances and when the United States of America felt correspondingly strong enough to impose its economic force on a submissive and grateful Europe". To be sure, the pamphlet graciously admits later on that "it is difficult to confirm a desire by the United States to 'colonize' Europe in any general sense", but Ernest Bevin must be spinning in his grave at the clear implication that Marshall Aid and the restoration of Europe's economy were "manifestations of American imperialism which ought to be thrown off along with that monstrous creature of the American imagination, the supranational customs union, the EEC".

Historically speaking, this revisionist rubbish is not worth taking seriously, but it implies an acceptance of a left-wing view of the world which regards capitalist America as being as menacing as — and far more reprehensible than — the Soviet Union. In the section on Nato it is never once acknowledged that Britain and Europe are deeply dependent on the United States for nuclear or even conventional defence.

A whole chapter is devoted to "the United States threat" in Latin America, but not a line to the problems of trying to deal with threats to Europe's oil supplies in the Middle East (whether from internal revolt or Soviet adventurism), apart from a lengthy denunciation of the last Labour government's tolerance of the Shah and a suggested withdrawal of support for the Sultan of Oman.

The flight from reality is, in fact, the dominant theme of the paper. The British people are invited to turn their back on the EEC without any indication of how they are to avoid retaliation, political as well as economic, from their former partners, the United States and Nato, following the example either of France and leaving the military alliance, or (inspiring thought) of Norway and remaining a full member "whilst criticizing and opposing some of its policies from within".

These two propositions occupy 24 pages of a paper whose priorities are said by Mr Ron Hayward, Labour's general secretary, in an introduction to reflect "the NEC's and Labour Government's concerns for those issues and those areas of the world of greatest importance to Britain and the Labour movement". The other 64 pages invite us to go on a long tour around the Third World.

In some cases — South Africa, for instance, and development assistance — some fairly specific policies are proposed and a little discussion of the possible costs allowed. In others, such as South America, to which less than 26 pages are devoted, virtuous outrage, economic sanctions and the withdrawal of the British ambassador are their own reward.

What is objectionable about all this is not the introduction of moral considerations into the sphere of realpolitik. The trouble is that the Labour Party is indulging not so much in a moral discussion as a moral orgy. Now that the memories of government have receded so far, all restraint is removed; the party's censure process is initiated by all sorts of ayatollahs peddling absolutes and denouncing betrayal of socialist morality.

This is not the first time this has happened in Labour history. But in the past, the balance has been held, however precariously, by a leadership experienced in foreign policy issues and by the prospect of office. The signs now are that these restraining forces are not surviving in the party and that the mullahs are permanently in charge.

This weekend's meeting may be the last chance to restore sanity. If it does not, it is doubtful whether the voters will regard British interests as less important than the socialist principle.

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Eysenck probes the mysteries of marriage

Professor H. J. Eysenck, the psychologist, is no stranger to controversy. His books on race and intelligence, and on smoking, provoked obnoxious and even violent attacks. Now he is to turn his provocative mind to another controversial area: what makes a marriage succeed or fail.

Eysenck has just finished a research project at the Institute of Psychiatry in south London, where he and a colleague have investigated the private lives of 560 married couples. Eysenck's book arising from the project should be published next year and, from what he tells me, will bring a fresh approach to a depressingly familiar topic.

He is not giving everything away at this stage of course, but one of the findings he regards as important is that people who go into marriage expecting to change their spouse in any significant way are mistaken.

Eysenck is convinced that personality is determined largely by genes and therefore cannot be changed appreciably. But he says he found evidence in his study that women particularly like to feel they can change their future husband and that their inability to do this contributes to their unhappiness later on.

"People who are somewhat neurotic before marriage do not change to become understanding partners. A stable marriage is

produced by two stable, healthy people. That's what seems to matter above all else".

He also found that if there was what he calls an "asymmetry" in a couple, that asymmetry should be the woman's. For example, more women than men suffer from emotional instability — and we found that marriages in which the woman is unstable are more successful than marriages where the man is unstable.

The old idea that it helps to marry someone very different from oneself found no support in the professor's research. "We found no evidence that marrying someone who complements you aids happiness but nor did we find that a spouse who is very similar is much help either."

Auntie moving?

Less than a fortnight remains before applications have to be in for the director-generalship of the BBC, and although security is as tight as a drum I gather there have not yet been any outside applications.

Speculation within the BBC has it that when the new chief takes over next year, the power base could move from the BBC's traditional headquarters in Langham Place to the Television Centre in Wood Lane, particularly if Alasdair Milne, managing director of BBC television, gets the job.

Since 70 per cent of the BBC's expenditure is on the television service and since Alasdair Milne, should he get the job, is already based at Wood Lane, there is every reason to suppose such a change will come about. It may be

THE TIMES DIARY



I see that book-makers William Hill are offering 10/11-on for a boy for the Princess of Wales, even for a daughter and 15/1 against for twins.

This is a curious fixing of the odds so far as twins are concerned since they occur, roughly speaking, once in every 90-100 births. I take it that Hill's are mindful of the fact that the Princess is said to have four sets of twins among her relatives and ancestors. The most relevant is probably her maternal grandfather, the fourth Lord Fermoy, born on May 15, 1885, ahead of his identical brother, Francis George.

There is a tendency for non-identical twins to run in families, though the old wives' tale that "twin-don't" is passed through the mother's line has been called into question recently. It is also the case that conceptions in the first three months of marriage are more likely to result in twins.

There are no problems of succession with twins, the first born takes precedence unless it is a girl followed by a boy, when the son is the heir. This is just as well, for the Princess of Wales would be very harsh on the second-born among royal twins. The Ashanti in West Africa were the worst — they solved their succession problems by killing the second-born at birth.



a pointer that most DGs appointed since the war have been recruited from within the BBC, and the board of governors would clearly want to appoint someone who has an intimate knowledge of the corporation, in view of the technological changes that are on the way.

Bridge too far

The bridge world is about to be dealt another awkward hand in the thrilling series which started last month with the World Bridge Federation ban on British team captain George Reese.

decided that Reese (co-author of A Bridge, Sex and Violence, a novel) was unacceptable in that demanding role at the world championship finals in Port Chester, New York State.

Now the British Bridge League is promising retaliation at its next meeting when it will consider a move to withdraw from the WBF. Significantly, the self-destructing bridge world is receding from an unprecedented slap in the face by the influential International Bridge Press Association. This specialist group of journalists has just deplored the fact that the WBF has been influenced by the writings of Reese in imposing a ban on him. And that is rather

like racing correspondents condemning the way the Jockey Club runs racing.

The WBF has refused to explain its ban on 68-year-old Reese. But it is understood that its credentials committee, chaired by Señor Jaime Ortiz-Patino, of the famous Bolivian tin family, found him unacceptable because of Trick 13, the novel Reese has written, portraying the tournament bridge world "in a damning light".

Mrs Jessie Newton, chairman of the British Bridge League, says the league will have to consider what action to take now that its appeal to the WBF against the Reese ban has been turned down without an accompanying reason.

Members of the BBL and the bridge journalists feel that the world body is guilty of censorship. Jeremy Flint, a member of the IBPA and The Times Bridge Correspondent (also Reese's co-author) told me: "This is Star Chamber justice. The defendant has not been told what the charge is."

Reese told me: "The WBF refusal to give any reason for its attitude towards me is contrary to every concept of natural justice. I don't think the British Bridge League has any reasonable alternative but to cease to take part in WBF events until the matter has been cleared up."

Far reaching

With a name like Alfredo Marcantonio, Alfredo Marcantonio would have to have either an opera singer, a mafioso, or an ice cream salesman somewhere in his background. In Alfredo Marcantonio's case, it is an ice cream salesman, his father.

Even if you haven't heard of Alf etc, you almost certainly noticed his brilliant advertisement in the national press yesterday, which I reproduce here, showing crates of Helmsley's restaurant aboard the Soviet whaler class submarine aground in Sweden, with some Russian-style lettering.

Marcantonio and his colleague David Horry are something of specialists in this type of rapid reaction ad. They left Collett, Dickinson, Pearce some months ago, to join Lowe and Howard Spink, but you may remember their other news-pegged ad, which

came out at the time of the Labour Party conference last year. It was for a camera firm and used press photographs of Denis Healey and Tony Benn pointing cameras at each other with the caption: "They obviously feel like shooting each other."

That attracted a lot of comment and they won a prize for it — but if they win anything for this one they ought to share it with David Harry's baby-sitter. It was she who suggested it, on Monday night — except that she told them the Russian captain would make a good topic for the Hamlet cigar ad, in which a man in an awkward or dangerous situation whistles away the time



with a cigar. The pair knew a good idea when they heard one. Are they going to follow up their success? "You can't do this kind of thing too often," says Marcantonio, "but we do think there might be something to be got out of the space shuttle."

Peter Watson



P.O. Box 7, 200 Gray's Inn Road, London WC1X 8EZ. Telephone: 01-837 1234

WHEN A CHILD IS BORN

Regina v. Arthur was a very peculiar murder trial, or attempted murder trial as it became half-way through its course. Counsel for the prosecution, defence counsel, judge and jury (by implication of their verdict) alike paid tribute to the high professional standing, conscientiousness, humanity and true motivation of the accused, not just in general but in relation to the actions in question. A paragon charged with the heinous crime of murder. The explanation of the paradox had the form of a murder trial, they were in reality a test case in medical ethics. The question at issue was not that of guilt or innocence in any ordinary sense, but that of the duty of a doctor who has in charge a new-born baby of severe and irreversible deformity whose parents wish him dead.

No one can be left in any doubt that in these tragic cases both doctors and parents are faced with harrowing decisions of acute moral difficulty. Recent advances in medical treatment make it possible to preserve the life of infants suffering from a degree of deformity or deficiency which would previously have precluded their survival. Sometimes the deformity is so gross, so restrictive of the potentiality of conscious activity, that it cannot be thought right artificially to burden the baby with life. But those cases are at the extreme. How are they to be distinguished from other cases where that judgment is less certain or wrong?

Sir Douglas Black, president of the Royal College of Physicians, in evidence put the dilemma like this. The doctor is faced with three variables: the clinical situation of the child, which may range from normal to there being no

possibility of intellectual life; the parents' attitude, which may range from loving acceptance to revulsion; and medical management, which may range from no intervention to advanced surgery. For situations governed by three such variables no predetermined rule and no formula of quantification was any use. The doctors who gave evidence for the defence all agreed that Dr Arthur's decision fell within the professionally accepted limits of paediatric practice. The baby, who had been rejected by the parents, had an apparently uncomplicated condition of Down's Syndrome, though postmortem examination showed that there were complications Dr Arthur placed him on a regime of non-intervention expected to lead soon to his death.

Yet considered as a test case in medical ethics the proceedings were not entirely satisfactory. All who offered evidence on the ethical question were broadly of one mind. Their evidence was not weighed against the views of paediatricians who are not of that mind, some of whom joined in the public controversy that broke out over another Down's Syndrome case which reached the Court of Appeal earlier this year. It may also be thought that some of the medical evidence deferred excessively to parents' wishes that their child should not survive.

Parents' wishes in these tragic circumstances deserve every respect, but they must be set against the proposition that their child is not wholly at their disposal: every live-born baby enters civil society and by doing so acquires independent rights, of which the chief concerns life itself. He is no less entitled than the rest of us to receive all available life support, save only in those grave and

exceptional cases where he lacks irremediably the capacity to live a recognizably human life. That proposition did not figure prominently in reports of the trial.

There has been an observable tendency in the past twenty years or so to elide the moral considerations appropriate to the separate stages of generation, conception, gestation, birth and infancy. Abortion is frequently regarded as a kind of retrospective contraception. "Unwanted pregnancies", which is the purpose of contraception to avert, may still be cut off by the long-stop of termination. Similarly those abnormal foetuses, which if not spontaneously aborted are a lawful object of termination of pregnancy, may come to be seen, should they slip through pregnancy screening, as candidates for the long-stop treatment, which is infanticide — common enough in other cultures. Accompanying this attitude of mind is the view (also to be found among trade union officials) that the law is best kept out of these affairs which are too sensitive for it and are exclusively for the judgment of pregnant women, or mothers and fathers, and for the speciality of medicine.

That is wrong. It is of course parents and doctors on whom it falls to take these agonizing decisions in the first place, and they deserve the understanding and support of society. But they are decisions of a kind that require to be taken inside a framework of public morality which finds its expression, and sanction, in the law. How that public morality embodied in law is to be brought to bear is a difficult practical question. Neither this lengthy criminal trial, nor the rapid civil proceedings of the earlier case, as provided satisfactory means of doing so.

A DEBATABLE CUBAN DOMINO

The revolutionary regime in Nicaragua has just carried out the unusual feat of simultaneously sentencing three prominent businessmen and four leading Communists to prison. The businessmen include Señor Enrique Dreyfus, president of COSEP, the main private sector organization, and the Communists all belong to an extremist party frowned on by Moscow; so there is a certain balance in the move, showing that the regime is prepared to act against both left and right. All were sentenced to seven months under the terms of a recently declared state of emergency, on charges of, among other things, publishing statements damaging to the country's economy. Three of the Communists received a further sentence of 20 months for calling a strike.

What the sentences show most of all, however, is the deterioration in Nicaragua, both in political and the economic. In the aftermath of the revolution two years ago the new Sandinista regime declared that it intended to operate a mixed economy, as well as a pluralist political

system. Private enterprise, which had joined in the movement that finally toppled the Somoza regime, would have its part to play in rebuilding the economy. Since then the regime has maintained its commitment to a mixed economy, in spite of the fact that many of its leading members are Marxists; and it has made available scarce public funds to the private sector.

But relations with business and with opposition groups have become steadily more strained. *La Prensa*, the main independent newspaper, has been suspended several times this year for criticisms of the government; and the regime decided to move against Señor Dreyfus and his colleagues because of a letter they had published accusing the Sandinistas of betraying their promises. They had promised, it was said, a mixed economy, freedom of the press, and political ideological pluralism, but instead of that were moving towards a Marxist-Leninist system.

Whether or not this is happening has been the main issue in Nicaragua since the

1979 revolution, with implications for the rest of Central America. It was because of the shock of that revolution, and the fear that first Nicaragua, and then the other countries of Central America, would one by one join Cuba in the Soviet camp, that the Americans have decided to make such an issue of the Reagan administration. Nicaragua has virtually taken that step; American aid has been cut off and Nicaragua accused of serving as a conduit for Cuban arms. The Nicaraguans, on the other hand, have maintained that they simply want to be free of American influence and have no intention of becoming a second Cuba.

In acting as they have against the businessmen, they have not strengthened their case. It is true that the faults are not all on one side, and that many businessmen have not been prepared to cooperate with the new order. And it is hard to reconstruct the battered Nicaraguan economy in the face of American hostility. But such sensitivity to criticism suggests that the critics have some justice on their side.

Dealing with truancy

From Mr A. B. Ellis
Sir, Lady Howe's article on truancy (October 28) raised a most important issue, which has worried many of us for some years. Under existing procedures, whether under English or Scottish law, there is no effective remedy for truancy.

Firstly, there is no means of combating truancy at the initial stage when there is some hope of preventing a pattern or life-style from developing. Secondly, the administrative procedures are so cumbersome, and in Scotland require such accuracy of persistent record, as to render all attempts to combat the problem nugatory. Thirdly, the knowledge that very little of consequence may happen for a very long time becomes part of the common stock of pupils' folklore. Even then, truancy remains an offence on the part of the parents, not of the wayward pupil, a fact not generally appreciated.

The police and the schools know that truancy may, in certain cases, be closely connected with a criminal sub-culture. Doubtless there is a variety of deep-seated causes, including the nature of schooling, which inclines pupils towards persistent truancy. Given that it would be wise to unravel these, and apply appropriate treatments, the process still remains a long one. We do need some sanction against the pupil in the immediate present, some means of publicly disavowing the misconduct. We should support by all means the former attendance officer in his welfare and therapeutic role, but we still require him in his role as "skipper" to use the local phrase, i.e. as an official whose job is to nip truancy in the bud by chasing up the unexplained half-day(s). At all levels outwith the police

and the schools truancy is often given too low a priority. In serious instances it is generally absorbed into the whole social-work case which has a tendency to be relegated to a minor issue. I therefore welcome the attention which you have drawn to this intractable problem occasioned by improving legislation, which has in some arcane way, itself obeyed "Huber's Law". Improvement equals deterioration.

Yours sincerely,
A. B. ELLIS, Rector,
Department of Education,
Lothian Regional Council,
Knox Academy,
Haddington,
East Lothian,
October 29.

MLF project

From Sir John Barnes
Sir, I hesitate to differ from so great an expert as my friend Professor Richard Howard. But having been much concerned with the MLF (multilateral force) project in the Foreign Office in the 1960s, I do not think its genesis was quite as he describes it in his letter to you today (November 3).

The MLF sprang from the Nassau Agreement of 1962. The Americans then agreed to provide Britain with Polaris in place of the defunct Skybolt and Britain in return agreed to take part in a multilateral nuclear force. The nature of this force was not specified at that time. Certain Americans, who were anxious to phase out Britain's independent nuclear deterrent and also to associate Germany in some way with the nuclear weapons of Nato, devised the idea of a force of surface ships, manned by crews of mixed nationalities and armed with Polaris missiles.

The protagonists of this project went on to claim, wrongly, that this was the multilateral force to which Britain had undertaken to commit her Polaris weapons, even though in the Nassau Agreement Britain had reserved the right to use her Polaris independently in the last resort. (I write without the text before me and am not therefore using the exact words.)

The United States Government gave official support to the project. The Germans and some other governments also showed positive interest in it. The British Government joined in the preparatory work, recognizing that the MLF could meet political aspirations but as an addition to, not a substitute for, Britain's own Polaris missiles. But it would, I think, be an understatement to say that British defence experts were doubtful of the military utility of the project.

The consequent misunderstandings and disagreements led to long discussions. It was only when Professor Richard Howard, German Chancellor and visited the President to understand that the German Government were no longer pressing for the MLF, Mr Johnson had no desire to continue to invest political capital in forcing on the Europeans a project which its main intended beneficiaries did not want and the MLF was dropped.

Thus the MLF had a political rather than a military rationale. As such it differs from TNF (theatre nuclear forces). There are arguments for and against TNF but they are military rather than political and I do not intend to enter into them in this letter.

Yours faithfully,
JOHN BARNES,
Hampton Lodge,
Hurstpierpoint,
Sussex,
November 3.

Alliance policy on electoral reform

From Dr David Owen, MP for Plymouth Devonport (Social Democrat)

Sir, How the SDP/Liberal Alliance reacts in the very differing circumstances which might confront us after the next election will have to be determined at the time by the elected leaders of the two parties in consultation with their MPs. But if the Alliance "enjoyed a landslide victory", as Mr Butler (article, November 5) that both parties would introduce proportional representation. Not only would we be irrevocably committed to do so, but most of us believe it is one of the essential ingredients to providing the framework of economic and industrial stability without which the fortunes of our country are unlikely to be revived.

In the event that we are not the governing party then much would depend on the number of votes which the Alliance received, for under the unfair voting system at present the Alliance might well be a minority party while receiving more actual votes in the ballot box than any of the other parties. One would also have to consider how many Conservative and Labour MPs were prepared to support proportional representation despite the views of their parties.

At the next election we may well see many individual MPs committing themselves in their election address to their constituents to supporting the introduction of fair and equal voting. In these circumstances if there was a natural majority in the country and in Parliament for electoral reform, then the SDP/Liberal Alliance would surely have the right to ensure that if, as a result of negotiations, a Government was formed, committed to introducing electoral reform legislation in the first session of Parliament, that Government could not renege on its promise. The temptation otherwise would be strong after a few months, before the legislative machinery of the statute book to seek a dissolution of Parliament under the old first-past-the-post voting system.

In a situation, however, where there was not a clear endorsement either amongst voters or MPs for electoral reform a minority party would surely have the right to withhold their support for a Queen's Speech which did not have, for example, specific commitment to hold an immediate referendum on the issue of proportional representation. To carry conviction it would mean being ready to fight another election within weeks.

But there is nothing in the Constitution to support Mr Butler's argument that a minority Government "must be given a fair crack of the whip... to give a new Parliament at least some short life before the electors are asked to vote again". The fact that it happened in 1924 and 1974 is not binding for the future.

My position is not new. In *Face the Future*, published in January this year before the SDP was formed, I said: "When the arguments and the mass of books and pamphlets on the subject have all been weighed, the question of electoral reform will be resolved by the pressure of power politics, not by merit or by constitutional theory about coalitions or the two-party system."

Yours faithfully,
DAVID OWEN,
House of Commons.

Hebrew in the USSR

From Canon Trevor Beeson and others

Sir, We have read with extreme dismay the information from the Soviet Union that a number of well-known Hebrew teachers, including Victor Fuchs, Vladimir Kuryak, Boris Topolsky, Yuli Edelstein and Alexander Kholmiansky in Moscow, as well as Ida Nepomniachi and Avrely Kofman in Odessa, have been formally warned by the Soviet authorities to stop teaching Hebrew.

The teaching of any language, including Hebrew, is perfectly legal in the Soviet Union. Indeed, Hebrew is taught at a number of Soviet universities and other institutions.

This ban must therefore be viewed as an unjustified and totally unacceptable act of cultural repression. We join the worldwide protest against this blatant violation of the cultural rights intention in Basket 3 of the Helsinki Final Act. This latest infringement is especially reprehensible as it occurs while the Madrid Conference to Review the Helsinki Act is still in progress.

We are, Sir, your obedient servants,
TREVOR BEESON,
R. L. A. HART,
IVO LAPENNA,
LOYD OF HAMPSHIRE,
LEONARD SCHARPIRO,
C. WITTON-DAVIES,
Conscience,
22 Cavendish House,
19 Cavendish Square, W1.

Next moves at BL

From Mr John Donovan

Sir, May I suggest, as a rider to your leading article in today's edition (November 4), that Sir Michael Edwards seizes this moment to make a big personal gesture by relinquishing, or at least reducing his salary, in order to reinforce his position and standing as chairman of the beleaguered Leyland at relatively little personal cost to himself?

Yours faithfully,
JOHN DONOVAN,
104 Park Street, W1.

Combating IRA terror in Ulster

From Mr R. L. McCartney, QC

Sir, On the eve of the summit meeting between Mrs Thatcher and Dr Garret FitzGerald, the view of a moderate non-party unionist dedicated to the solution of Ireland's problems on democratic principles may be of assistance.

The unionist population of Northern Ireland has been subjected for over 10 years not only to the bombs and bullets of the Provisional IRA but also to a worldwide propaganda campaign of vilification of which Goebbels might have been proud. Perhaps the following facts may assist in persuading the British public and media to redress the balance.

Provisional Sinn Féin, the political wing of the Provisional IRA, held its annual conference in Dublin last weekend. Danny Morrison, the party's publicity officer, and Fermanagh MP, Owen Carron, were among the speakers. Both of these men received massive media coverage as upholders of human rights during the recent 12 block campaign.

Mr Morrison asked the delegates: "Who here really believes we can win the war through the ballot box?" In the silence that followed he added, to thunderous applause, "I will anyone here object if, with a ballot paper in this hand, and an Armalite (rifle) in this hand, we take power in Ireland?"

Mr Carron is quoted as saying: "Loyalists must be crushed and, in order to do this, one all-Ireland government was needed". In the first nine months of this year the Provisional IRA have carried out 56 punishment shootings on members of the Roman Catholic minority community. As one political commentator put it, the immediate aim of the Provisional Sinn Féin movement is "Brits out and the Loyalists will know what's good for them".

The drive towards disarmament

From Mr Basil Davidson

Sir, Professor Howard's interesting letter (November 3) is a good example of the extreme difficulty now encountered by honest and distinguished men who wish to argue against unilateral nuclear disarmament.

He tells us that Western defence strategy, as now accepted for many years, is not only morally dubious but politically and strategically incredible. It may be so, and many have long suspected it. Yet he then rounds on CND, not because CND is against nuclear armaments, but because, he tells us, CND is against non-nuclear armaments. So he manages to attack CND only by ignoring its campaigning aim.

Those of us who want action to obtain nuclear disarmament, but who are by no means pacifists, are often accused of naivety. The fact, however, is that we are much more toughly realistic than our critics. We can accept that there may be risks in unilateral nuclear disarmament but we are convinced, on the evidence (and Professor Howard adds to this evidence), that the risks of continuing the nuclear arms race are certainly and even infinitely greater. We further conclude, on the evidence, that the only realistic way now of checking the race is for unilateral action to establish a precedent, and that this unilateral action now is possible only by the "middle" of the Powers and, in that range, most decisively by Britain.

We find our critics naive enough. Professor Howard's argument utterly ignores the military-industrial pressures for more nuclear weapons and, as though living in a vacuum, he relates the need or lack of need for such weapons entirely to estimates of the threat of aggression. But the realist argument today is that these military-industrial pressures (whether on one side or the other) have long come to constitute a much more real danger, through pushing the arms race to ever more suicidal and inherently absurd courses and speeds, than any intention or policy that may exist anywhere to start a war.

This again is why British unilateral nuclear disarmament (conjoined by all means, if necessary, with unilateral conventional disarmament) is a hard good sense and why Professor Howard, on the evidence of his own letter, should be supporting it and not rejecting it. Only those who now contract out of the

Can anyone really doubt, if the Provisional IRA are prepared to maintain and murder members of the minority community, what they would do to unionists who did not subscribe to their view? Mr Carron provides the answer; they would be crushed.

What both Mrs Thatcher and Dr FitzGerald must pledge themselves to do by every means at their disposal is to settle upon a security policy in both the United Kingdom and the Republic for the total suppression of those groups, whether paramilitary or political, who utilise violence and terror to gain political objectives.

The political stability of Northern Ireland is crucial to the stability of democratic government in the Republic. Any abandonment of the United Kingdom's commitment to its citizens in Northern Ireland is an abandonment of Ireland as a whole to the forces of anarchy and terror. This is a view which I believe is widely held by responsible Irish politicians both North and South.

The Provisional IRA have pledged themselves to a massive bombing campaign in Northern Ireland and to a renewed campaign on the mainland. The unionist population in Northern Ireland are bloodied but unbowed; they have no option: either they resist or they are to be crushed. Do the Provisional IRA suspect, however, that the resolution and dedication to democracy which characterised the British people in 1940 is no longer there?

That is a question which only Mrs Thatcher can answer.

Yours faithfully,
R. L. MCCARTNEY,
Bar Library,
Chichester Street,
Belfast 1,
November 3.

nuclear arms rivalry (already in ludicrous dimensions) as those who can in fact promote the beginning of super-Power disarmament. Held within their matrix of internal pressures, the super-Powers are all too evidently incapable of doing this themselves.

Yours faithfully,
BASIL DAVIDSON,
2 Palace Yard,
Hartford,
November 3.

From Professor J. Rotblat
Sir, The advocates of an independent nuclear deterrent use the standard argument that Hiroshima and Nagasaki would not have been destroyed if Japan had had nuclear weapons and would retaliate. We shall never know whether this argument is true or false, but its proponents should not be allowed to get away from its logical conclusion, namely that any nation should be entitled to have nuclear weapons as protection against a nuclear attack.

Iraq surely should have the bomb to protect themselves against a nuclear attack by Israel, which everybody believes already has a nuclear arsenal. Similarly Pakistan v India, or Angola and Mozambique v South Africa. Ultimately all nations would become nuclear weapons states, and what a secure world this would make!

I am probably among the very first to have used the nuclear deterrent argument, when I began writing on the atom bomb in Liverpool in 1933. My reason for doing this work was the belief that if Germany made the bomb the only way to prevent its use against us would be if we, too, had it and threatened to retaliate.

Looking at it with the wisdom of hindsight, I can see many flaws in this argument. I shall mention only one. If Hitler had the bomb it is very likely that his last order from the bunker in Berlin would have been to destroy London even if the bomb had not brought terrible retribution to Germany. Indeed, he would have seen this as a fitting way of going down, in a *Götterdämmerung*.

Are we convinced that something similar might not be the reaction of some of the present-day rulers?

Yours faithfully,
J. ROTBLAT,
The Athenaeum,
Pall Mall, SW1,
November 4.

Employment prospects

From Mr J. L. Thompson

Sir, It is now a generally accepted view that the best prospects for a reduction in the disastrous unemployment figures rest largely on the small business sector, and many commentators expect it to play a prominent role in the recovery of the British economy. Reasonable indeed.

The Government has in recent months launched its Business Opportunities Programme and Loan Guarantee Scheme in a blaze of publicity. Laudable as the Government's initiatives may be, they can only be expected to have a restricted impact for as long as current penal interest rates in our long experience of dealing with small businesses we find that potential entrepreneurs with the best ideas often have few capital resources and a feature of many small businesses in the critical formation phase is a high level of borrowing.

If the Government wishes its initiatives to succeed it must recognise the need to cushion the impact of high interest rates on small businesses. Suitable vehicles for achieving that essential prerequisite already exist for a large part of the most disadvantaged areas of the country.

Certain Government agencies —

the Council for Small Industries in Rural Areas, the Scottish Development Agency and the Welsh Development Agency are permitted to lend public funds to small businesses to supplement borrowing from the private sector. Currently we are forced to lend at interest rates apparently dictated by President Reagan's economic policies rather than at rates fixed at a level which would achieve the objective of encouraging small businesses to get off the ground and develop.

The cost of allowing these agencies to lend at significantly less than market rates, in order to foster the creation of real full-time jobs, would be minute compared with the millions the Government is spending in creating temporary jobs, and might well be less than the unemployment benefit which could be saved.

In 1980-81 the council lent some £3,200,000. At that level of demand, each one per cent reduction of interest rates would cost the Government only £32,000 per annum.

Yours faithfully,
JOHN L. THOMPSON,
The Council for Small Industries in Rural Areas,
141 Castle Street,
Salisbury,
Wiltshire.

Ruling on Canada's Constitution

From Dr Geoffrey Marshall

Sir, The views of Dr Eugene Forsey on Canadian constitutional matters (November 2) must command respect, but he draws from his summary of the recent Supreme Court decision three unwarranted conclusions.

In the first place the convention that requires substantial provincial support for amendments to the British North America Act that affect the federal structure is not "in embryo" simply because the court has not defined its limits. That confuses its existence with its application.

All the well-established constitutional conventions are vague as to their application. Whatever the convention may include it is clear what it excludes. That it excludes the present proposals, that are opposed by a clear majority of the provinces, is undoubted and the court has said so.

In the second place the convention is not "without form and void" or lacking in historical support. It is supported by agreement (the federal-provincial White Paper of 1965), by arguments of principle (drawn from the nature of the federal division of powers and the passage of the Statute of Westminster) and by a consistent course of action (the federal authorities having constantly refrained from seeking amendments of the present kind without provincial support).

In the third place it is misleading to say that since the conventions are political and do not have the force of law, "That leaves the question open". The conventions that require the Crown to assent to legislation or governments defeated on confidence motions to relinquish office, do not have the force of law; but obedience to them is not a matter of political judgment or expedience.

Complying with conventions is a matter of moral and constitutional obligation. That at least was the view of Sir Ivor Jennings in his *Cabinet Government* (3rd edition, p2): "They not only are followed", he said, "but they have to be followed".

Yours faithfully,
GEOFFREY MARSHALL,
The Queen's College,
Oxford,
November 3.

Complaints on police

From Mr Antony Buck, QC, MP for Colchester (Conservative)

Sir, In his article of October 27 the Chairman of the Police Complaints Board puts the cost of the proposed alternative system for the investigation of complaints by a Police Ombudsman at some £10m a year. This appears to be based on some rather lavish predictions of the number of staff who would be required.

His estimate of 300 investigators plus 60 supporting staff to deal with up to 300 cases a year greatly exceeds the total staff of 90 employed by the Parliamentary and Health Service Ombudsmen to investigate a comparable number of cases annually. Local Government Ombudsmen also deal with case loads of broadly similar size without anything like the resources which Sir Cyril Philips envisages as necessary for investigating complaints against the police.

As far as I am aware, there has been no general criticism of the Ombudsmen for any lack of meticulousness in going about their business; indeed such criticism as I have heard has been of the suggested over-thoroughness of their investigations.

This suggests to me that Sir Cyril Philips' objections to the new proposals, at least in so far as they relate to their probable cost, may not be soundly based and that some further research into the comparative costs of investigation is needed.

Yours sincerely,
ANTHONY BUCK, Chairman,
Select Committee on the Parliamentary Commissioner for Administration,
House of Commons,
October 29.

Inflation figures

From Mr Geoffrey Guinness

Sir, I was amazed to read Mr Philip Birch's analysis (October 13) of the success of Mrs Thatcher's policies in the fight against inflation. Such a long and studiously thought-out explanation — based on a wrong figure. Inflation in May, 1979, was standing at 10.3 per cent not 23 per cent as stated by Mr Birch.

Allowing for this fundamental error in his argument, if one accepts that inflation will be down to 9 per cent by May, 1982, this small measure of success, i.e. a reduction of 1.3 per cent, will have been achieved after three years of misery for many people coupled with an increase from 1,300,000 to three million plus unemployment. If this is success, what would Mr Birch call failure?

Yours faithfully,
GEOFFREY GUINNESS,
142 Cheam Road,
Sutton,
Surrey.

Central to the issue

From Mr Norman J. Page

Sir, I sympathize with Mr John E. Brown today (November 5), but surely there is more pleasure to be gained from most things in life if they have been difficult to find. I suggest that you place the middle pages at random from day to day and thus increase our enjoyment even more.

Sincerely,
NORMAN J. PAGE,
Trehaven,
17 Grange Road,
Bushey,
Hertfordshire,
November 5.

Award of costs to defendants in criminal proceedings

Practice Direction

The Lord Chief Justice, sitting in the Court of Appeal (Criminal Division) with Mr Justice Skinner, handed down a practice direction concerning the award of costs to defendants in criminal cases, to take effect from November 16.

Practice Direction (Costs: Successful Defendants) (1973) 1 WLR 718 was withdrawn. The new direction provides:

"1 The principal power of the Crown Court to order the payment of the costs of an acquitted defendant either out of central funds under section 3 of the Costs in Criminal Cases Act 1973, or by the prosecutor under section 4 of that Act is limited to those cases in which the accused is acquitted on all counts in the indictment.

"2 There is a subsidiary and unrestricted power under section 5 of the Indemnities Act 1915 to order the prosecutor or the defendant to pay any costs incurred as a result of an amendment to or the severance of an indictment.

"3 The exercise of those powers is in the unfettered discretion of the court in the light of the circumstances of each particular case.

"4 It should be accepted as normal practice that an order should normally be made for the payment of the costs of an acquitted defendant out of central funds under section 3 of the 1973 Act unless there are positive reasons for making a different order. Examples of such reasons are—

"(a) where the prosecution has acted spitefully or has instituted or continued proceedings without reasonable cause the defendant's costs should be paid by the prosecutor under section 4 of the 1973 Act; (b) where the defendant's own conduct has brought suspicion on himself and has misled the prosecution into thinking that the case against him is stronger than it is the defendant can be left to pay his own costs; (c) where there is ample evidence to support a

conviction but the defendant is acquitted on a technicality which has no merit. Here again the defendant can be left to pay his own costs.

An explanatory note headed down at the same time as the Practice Direction stated that the principal change from the 1973 Direction was that the power to award costs to an acquitted defendant is limited to cases in which the accused is acquitted on all counts in the indictment.

The Indemnities Act 1915 empowered the court to make orders for costs under both sections 5 and 6. Section 5 provided that the court may make such order for costs as it thinks fit where, either before or at the trial, it orders (i) that a defence case be amended under subsection (1); (ii) that the indictment be severed under subsection (3); (iii) that the trial be postponed as a result of (i) and (ii) above. That power, as expressed in section 5(6) is in addition to and not in derogation of any other power.

Section 6 empowered the court to make such orders as to the payment of that part of the costs of the prosecution which was incurred by reason of the indictment containing unnecessary matter, being of unnecessary length or materially defective in any respect.

There was a dearth of authority establishing the principles to be followed in implementing the two sections. However, it appeared that under section 5 the court

Credit for no violence

Regan v Parkes

An accused sentenced in the Crown Court to 12 years' imprisonment after being convicted of two counts of theft and three counts of burglary should have been given credit for the fact that no violence had been used in any of the offences, Lord Justice Eveleigh held in the Court of Appeal (sitting with Mr Justice

Drake and Mr Anthony Lincoln) on October 30.

HIS LORDSHIP said that the court had to take account of the fact that sentences of 12 years' imprisonment had often been passed on people who had taken part in bank robberies in which there had been violence and accordingly the sentence in the present case was too much and should be reduced to nine years.

Interest relief grant revenue not capital

Burgan (Inspector of Taxes) v Thorn Domestic Appliances (Electrical) Ltd

Before Mr Justice Walton

[Judgment delivered November 4]

A grant given by the Department of Trade and Industry (DTI) under the Industry Act 1972 to assist an engineering company in the north of England to pay the interest charges it incurred in financing the building of a new factory, is for corporation tax purposes a payment on revenue and not on capital account.

HIS LORDSHIP held in allowing an appeal by the Crown and reversing a determination of the special commissioners. Losses incurred by Smart and Brown Engineers Ltd, during 1973 and 74 that the taxpayer company, Thorn Domestic Appliances (Electrical) Ltd, sought to set off against its profits under the group relief provisions were reduced by the amount of the grant.

In 1972 the engineering company, a subsidiary of the taxpayer company, requested the DTI to make them a grant under the 1972 Act for a new factory at Spennymore, in Durham, for manufacturing deep freeze units.

In February 1973 the Secretary of State notified his intention to pay an "interest relief grant" to the engineering company under the provisions of section 7 of the Act. The grant, not to exceed £72,000, was to be paid in four annual instalments of £18,000, the first being made in January, 1974.

The taxpayer company appealed against the refusal by its inspectors of taxes to allow a claim period ending March, 1974, in the amount of £196,634. It contended that the grant of £18,000 was a capital receipt that was not to be taken into account in computing the amount of the engineering company's losses available for surrender to the

taxpayer company. The commissioners upheld its case and determined the group relief in the amount claimed.

Mr John Hobhouse, QC and Mr Hart for the Crown; Mr G. R. Bretten, QC, for the taxpayer company.

MR JUSTICE WALTON said that the question was whether, as the Crown contended, the payments of the grant made to the engineering company by the DTI under the provisions of the Act were trading receipts on revenue account and which as such should reduce the amount of the losses that it could pass on to the taxpayer company.

It was clear from the documentary evidence that what was applied for and the DTI agreed to pay was an "interest relief grant" towards the interest costs of finance obtained from commercial sources. It was a grant designed to relieve to a limited extent the engineering company from paying interest that it would otherwise have had to pay.

The taxpayer company argued that the grant was made in relation to a capital project, or by a commissioner or percentage of the grant, or otherwise, and it may be made on the terms that the grant is to be used for the purchase of plant or equipment, or for the carrying out of other capital expenditure.

The commissioners were in error in holding that the £18,000 was "acceptable to the recipient towards its capital costs" and a capital sum. The appeal was allowed and the relief determined in the sum of £196,634.

Solicitors: Solicitor of Inland Revenue, Rowe & Maw.

Enforcement of interest terms on unpaid solicitors' bills

Walton v Egan and Others

Before Mr Justice Mustill

[Judgment delivered October 29]

A special agreement under section 57 of the Solicitors' Act 1974 between a solicitor and his client as to the solicitor's remuneration may validly include terms providing for the payment of interest on unpaid fees. Such an agreement relating to interest may therefore be enforced by the solicitor without compliance with the procedure prescribed by article 5(1) of the Solicitors' Remuneration Order 1972. That goes even where the special agreement was made after the solicitor's bill was first delivered.

MR JUSTICE MUSTILL said that the plaintiff was a solicitor and the defendants were former clients. The claim was for interest on an overdue account. The solicitor sent the bill to the client on August 31, 1979, but they did not pay it. Reminders produced no result. Eventually, the solicitor agreed to accept payment by instalments, together with interest at 15 per cent on the running balance with retrospective effect from October 1, 1979, the date the bill was first delivered.

Mr Justice Mustill so held in the Queen's Bench Division when giving reserved judgment for the solicitor plaintiff in his claim for interest on the unpaid balance of fees contained in a bill of costs delivered on August 31, 1979. In March 1980 the solicitor had made an agreement with the clients for payment of arrears of fees by instalments together with interest at 15 per cent on the unpaid balance.

Section 57 of the 1974 Act provides: "(1) A solicitor and his client may, before or after the commencement of the transaction of any non-contentious business by the solicitor, make an agreement as to his remuneration in respect of that business.

"(2) The agreement may provide for the remuneration of the solicitor by a gross sum, or by a commission or percentage of the sum, or otherwise, and it may be made on the terms that the sum is to be used for the purchase of plant or equipment, or for the carrying out of other capital expenditure.

"(3) The agreement shall be in writing and signed by the person to be bound by it or his agent in the like behalf.

"(4) . . . the agreement may be made in relation to or in respect of the like business and on the like grounds as an agreement not relating to the remuneration of a solicitor.

"(5) If on any taxation of costs the agreement is relied on by the solicitor and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the court, and if from that certificate it appears just to the court that the agreement should be enforced, or the amount payable under it reduced, the court may so order and may give such consequential directions as it thinks fit."

Article 3 of the 1972 Order provides: "(1) . . . the client may require the solicitor to obtain a certificate from the Law Society stating that in their opinion the sum charged is fair and reasonable, or, as the case may be, what other sum would be fair and reasonable, and in the absence of the certificate the sum stated in the certificate shall be the sum payable by the client.

"(2) Before the solicitor brings proceedings to recover costs on a bill for non-contentious business he must, unless the cause of action has been taxed, have informed the client in writing—(i) of his right under paragraph (1) of this article to require the solicitor to obtain a certificate from the Law Society, and (ii) of the provisions of the Solicitors' Act, 1974 relating to taxation of costs.

Article 5(1) of the 1972 Order provides: "After the expiry of one month from the delivery of any bill for non-contentious business a solicitor shall be deemed to have accepted the sum stated in the bill (including any disbursements) at a rate not exceeding the rate for the time being payable on judgment debts, or, however, that before interest

may be charged the client must have been given the information required by article 5(2) of this Order."

MR JUSTICE MUSTILL said that the plaintiff was a solicitor and the defendants were former clients. The claim was for interest on an overdue account. The solicitor sent the bill to the client on August 31, 1979, but they did not pay it. Reminders produced no result. Eventually, the solicitor agreed to accept payment by instalments, together with interest at 15 per cent on the running balance with retrospective effect from October 1, 1979, the date the bill was first delivered.

The solicitor began the present action, claiming alternatively under the 1972 Order and the agreement of March 1980. Upon the issue of a summons under Order 14 of the Rules of the Supreme Court, the client's admitted liability for the principal sum but denied that they were liable for interest in respect of the sum. The client's defence was that the agreement of March 1980, a date one month after the solicitor gave notice under article 3(2) of the 1972 Order, was not binding on the client.

On those facts some questions were discussed at the hearing: (1) Did article 5(1) of the 1972 Order demonstrate that the fee on the rate and duration of interest applied only where there was a unilateral demand for interest by the solicitor and not where those matters had been the subject of agreement by the client?

(2) If article 5(1) applied to the present case, did the period of one month run from the date of the bill or from the date of the notice under article 3(2) of the 1972 Order?

(3) Did the mechanism of section 57 of the Act apply to claims for interest? If so, was that mechanism available for the enforcement of the agreement between the solicitor and his client?

(4) Could a claim based on the agreement be maintained independently of section 57 of the Act and article 5 of the 1972 Order?

On the first and second questions the problem stemmed from an ambiguity in the verb "charge" in the two provisions which appear in article 5(1). That might mean either "impose a monetary liability upon someone" or "make a monetary demand upon someone".

The purpose of article 3, and of the inhibition imposed by the reference to article 5, was to make sure that the client did not pay more than he was entitled to. It was made in ignorance of his right to test whether the bill was fair. He was to be put on notice of his rights and given time to consider whether he should exercise them.

Those objectives could be met perfectly well with fairness to both sides if the cause of action for interest arose as soon as one month had elapsed, but did not become enforceable unless and until the warning notice had been given. There was no need to go further and punish a solicitor who delayed in giving a notice by permanently depriving him of his right to interest during the delay.

In the circumstances it was legitimate to hold that the verb "charge" had a different meaning on the two occasions when it appeared in article 5(1). On the first occasion it was used in the former sense and on the second occasion in the latter sense and if a valid notice was given under

article 3, a retrospective right to interest would thereupon arise.

However, agreements which were covered by section 57 lay outside the scope of article 5, because the section was outside the scope of the 1972 Order altogether. The legislation created two quite different regimes for non-contentious business. Where there was no special agreement, the client was entitled to the delivery of a bill, followed by a notification to the client that he was entitled to the safeguards of a Law Society certificate and taxation.

Thereafter when the stipulated period had elapsed, the solicitor could sue the client. If, however, the client so desired and if he acted in time, he was entitled to a taxation as of right and the proceedings could not go forward until the taxation was complete.

Where there was a special agreement under section 57, there was no need for the client to tender a bill at all. Although section 57(4) seemed to contemplate that a taxation might occur, that was a procedure to grant the court apparatus to its own inherent powers to supervise solicitors as officers of the court. It was not a procedure to be used as of right by the client. When an action on a special agreement came before the court, the matter might be sent to the taxing officer so that he could inquire into the facts and report back to the court.

When doing so, he was acting as a delegate of powers exercised by the court. He was not exercising his own originating powers of taxation. Furthermore, there did not seem to be any scope for the Law Society to grant a certificate under article 5(1) in cases where the client had made a special agreement with regard to his obligation to remunerate the solicitor.

From the practical point of view, the agreement of the client was the strongest evidence that the fee was reasonable. If it was to be said that the agreement was oppressive, then the court under section 57(4) has the power to put matters right and not the Law Society.

Therefore, there was no call for a notice under article 3(2) and no reason for the solicitor to repeat the bill for interest prescribed by article 3(3) before bringing his action. In reality, the 1972 Order had nothing to do with the enforcement of rights under a special agreement and there was no reason why article 5 should be read as imposing any clog on the parties' right to agree whatever they chose about interest and the right of the solicitor to enforce what had been agreed.

On the question of whether it was possible to make a valid special agreement in relation to interest, there was force in the submission that the words "or otherwise" should be read as limited by what immediately preceded them.

There was nothing in the word "remuneration" which would serve to limit the permissible scope of the agreement to the principal sum alone. Thus section 57 embraced agreements as to interest and accordingly the solicitor could pursue his claim without regard to article 5.

In the present case, since there had been no special agreement, the solicitor's original cause of action stemmed from his bill of costs in the ordinary way.

There was nothing in the 1974 Act or in the 1972 Order to prevent a claim for interest from coming to an agreement about the way in which a bill should be settled.

There was no need to force the agreement in the present case into the mould of either section 57 or the 1972 Order. It stood on its own as a compromise of existing rights and as such there was no reason why it should not be enforced according to its terms.

Solicitors: Fellows, Amburst, Brown, Martin & Nicholson.

Animals Act restores common duty of care

Firth v Wallis

In an action for damages for negligence arising out of a collision on a highway between the plaintiff's vehicle and a horse which had strayed from the defendant's land adjoining the highway, Mr Patrick Garland, QC, sitting as a deputy judge of the Queen's Bench Division, considered on October 29 the effect of section 8 (1) of the Animals Act 1971, which restored the rule in *Stearns v Wallbank* (1947) AC 341.

HIS LORDSHIP, finding one of the allegations of negligence proved and giving judgment for the plaintiff, said that under the rule in *Stearns v Wallbank*, owners or occupiers of land adjoining a highway had no duty to fence or to take other reasonable steps to prevent animals on the land from straying on to the highway.

The section did not create any new duty; it merely restored the ordinary common law duty of care in all circumstances so that an owner or occupier of land adjoining a highway was required to take such care as was reasonable in all the circumstances to prevent animals from straying on to the highway and causing foreseeable injury or loss.

When foreign student's results matter

Regina v Immigration Appeal Tribunal, Ex parte Bakman Garami

The Secretary of State for the Home Department, is deciding whether to refuse a foreign student's application for an extension of leave to remain in the United Kingdom to continue his studies, was entitled when acting in accordance with paragraph 12 of the Statement of Immigration Rules for Control After Entry (CIE) and Non-Commonwealth Nationals (NCN) to take into account the student's lack of examination success when reaching his decision. Mr Justice Woolf held in the Queen's Bench Division on November 2.

HIS LORDSHIP said that the applicant had contended that it was for the education authorities and not the Secretary of State to decide that a student's course of studies should end because of his previous lack of academic success. However, the fact that the applicant had failed his examinations was a matter which the Secretary of State must inevitably have regard to and indeed he could be criticised if he did not take it into account when exercising his discretion whether or not to extend the leave.

Accordingly the application for an order of certiorari to quash the adjudicator's decision to dismiss the appeal against the refusal of the Secretary of State to vary the applicant's leave to remain in the country should be refused.

No supervision of girl who broke an ankle

Moore v Hampshire County Council

The Court of Appeal allowed an appeal on November 4 by the plaintiff, Miss Jane Moore, of Liphrood, a minor, now aged 15, suing by her mother and next friend, Mrs Elaine Moore, against Judge Golpin's dismissal of a *Football Grounds* County Council on September 24, 1980, of her claim for damages for negligence against the Hampshire County Council. The claim was for an accident when she broke her ankle while attempting a handstand in a "physical education" lesson at the secondary girls' school which she was attending. She was awarded £500 damages.

The plaintiff, who was aged 12 at the time of the accident and had a medical history of congenital dislocation of the hips and a limp, had wrongfully persuaded the mistress that she was allowed to do physical education.

LORD JUSTICE WATKINS, agreeing with the Master of the Rolls and Lord Justice Oliver in allowing the appeal, said that teachers' tasks of supervision were often difficult, but the mistress had been told from two quarters that the girl was not to do physical education. There had been no supervision at all of the girl. The mistress had not observed the girl's movements which she had begun to make of her own volition. It was a case without a defence.

'Decision' means final finding of a tribunal

Barnes v Corporation of City of London and Others

Watneys London Ltd and Others v Same

Before Lord Denning, Master of the Rolls, Lord Justice Oliver and Lord Justice Purchas

[Judgment delivered November 3]

The word "decision" in section 3 (4) of the Lands Tribunal Act 1949, which says that a decision of the tribunal shall be final provided that a "person aggrieved by the decision" may apply to the tribunal and not an interlocutory one.

The Court of Appeal allowed appeals by Mr Richard Brown, Valuation Officer for the City of London and by Watneys London Ltd and others against the order of Judge Newey, QC, sitting as a Deputy High Court judge on November 18, 1980, that Mr J. H. Emlyn Jones, a member of the Lands Tribunal, should state and sign a case for the decision of the Court of Appeal.

MR ALAN FLETCHER for the Valuation Officer; Mr David Widdicombe, QC and Miss Susan Hamilton for the limited companies; Mr Richard Marder, QC, and Mr Jeremy Sullivan for the City of London Corporation.

THE MASTER OF THE ROLLS said that the City of London had been dissatisfied with assessments for the rateable value of three public houses. The matter went to the Lands Tribunal.

The corporation wanted discovery of documents relating to profit and loss accounts. Mr Emlyn Jones refused to order discovery. The corporation sought an order for the Lands Tribunal to state and sign a case. The tribunal proceedings were stayed and Judge Newey directed that a case be stated.

The Lands Tribunal Rules 1975 made under section 3 (6) of the Act of 1949 provided a comprehensive procedure for interlocutory applications and an effective machinery for getting discovery which should be operated in all normal circumstances.

There was no justification for a case stated in relation to an interlocutory order. The appeals should be allowed. The appeals were allowed. Lord Justice Oliver and Lord Justice Watkins agreed. Solicitors: Solicitor Inland Revenue; Mr C. Callum Smith and Crossman Black and Keith City of London Solicitor.



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THE ARTS

Television

Runaway success?

In between last week telling us about blob queens and chatting up seaweed on the pier and next week offering Gary Glitter on the high wire, Forty Minutes (BBC 2) took a turn for the bumpy last night to follow the man from Bolton who decided to raise money for the treatment of cancer in children by running from John O'Grada to Land's End in record time: under 11 days, in fact, which meant a target of 80 miles, or three separate marathons, every single day.

He was paced all the way, more for the company than anything, for he liked to talk, too. "This" — gasp — "was the viewpoint they were on about" — gasp — "isn't it?" At Bonar Bridge there was a pipe band, loudly welcome and shrill cheers from the children. But injuries mounted and the target slipped slowly away. "How do you stand the pain?" asked Harold Williamson. "I don't really. I'm not very brave, you know. I just keep going." He began hallucinating: one day he turned right for Shrewsbury, by mistake, and was so tired he fell asleep straight after the soup. At Kildermaster he packed it in, having astonishingly done 559 miles in nine days and raised £23,000. Desmond Lapsley's film had all the intimacy and understanding that is making this such an enjoyable, even distinguished, documentary series: informal, diverse and thoroughly alive.

Michael Ratcliffe

Jazz

Art Blakey and the Jazz Messengers

Ronnie Scott's

Caution must be exercised in such a matter, but it seems safe enough to suggest that Wynton Marsalis, the dapper, 20-year-old trumpeter from New Orleans, is the most remarkable jazz trumpeter to have emerged for two generations. His performances with the Herbie Hancock Quartet in Europe last summer and with the Jazz Messengers at Ronnie Scott's this week have been irrefutably awesome.

Marsalis combines in his playing the fire of Fats Navarro, the lyrical sweep of Clifford Brown, the harmonic subtlety of Booker Little and the exuberance of Freddie Hubbard, but his true inspiration is, of course, Miles Davis. The sudden switches of tonal density, the expressive and sometimes virtuosic and the playful for high drama are all patently Milesian, but this is a Miles with utter technical security, cravering in the lines between the dots.

Some may find Marsalis's precocity disconcerting. He will probably be accused of coming by his fame too easily. He can take it. Ripping off strings of perfectly formed quavers at 100 bars a minute, he can take anything or anybody.

His younger brother, Bradford, plays alto saxophone, and is also impressive. His tone is

that of a sweetener Parker, with modern tonal distortions beautifully integrated into the lines. His tender reading of "Round Midnight" accompanied by, and after, raised huzzahs throughout the room. Blakey, the old sorcerer, sits and grins behind his drum kit, plainly sharing a belief that these Messengers live up to and sometimes beyond the legacy of Brown, Silver, Golson and Shorter. Besides the Marsalis brothers, he must be delighted by the concentrated intelligence of his tenor saxophonist, Bill Pearce, who makes haunting new of the basic post-Coltrane lines, by the incisive touch of his pianist, Donald Brown, and by Charles Famborough's buoyantly long-toned bass.

Surrounded by these apprentices, Blakey drives the band with an infinite supply of polyrhythms and an unquenchable spirit. He whips, cajoles and strokes, allowing himself a private grin when one of the cubs discovers a new trick.

He would be justified in feeling that anyone who fails to attend tonight's final London performance will be missing a band virtually without peer in the jazz world. The front line may display a poker-faced cool bordering on a hipsterish arrogance as they work through the serpentine ensembles like Simian tripe, but they too know that the torch is being handed on.

Richard Williams

Opera

Parthenope

Sadler's Wells

Among Handel's operas *Parthenope* is one of the least heroic, and accordingly one of the easier to carry off. Handel Opera, who began their season with a new production of it on Wednesday night, were properly quite serious about not taking it too seriously; if we laughed, as we often did, it was with the opera rather than at it.

Did we laugh a little too much? *Parthenope* is a times gently parodies the conventions of opera seria, but a genteel tea-party set in ancient Naples (or the London of 1730 if you prefer), for Queen Parthenope and her suitors, may not invite us to listen attentively to some of the ravishing or passionate music that comes soon after. Generally, however, the score is light, in both spirit and musical texture. Most of the arias move quickly and on tiptoes. And Tom Hawkes's intelligent, musical production showed due feeling for its hints of satire without fussiness.

But there are stronger things too, like the fine military sequence at the opening of the second act (a splendidly staged stylized battle), a highly original duet for an unfaithful lover and his

furious mistress, and in the last act two really superb slow duets for the two principals, Argas, for being a figure of fun up to then. There is also a song of farewell and a sleep song, with moaning flutes, throbbing muted strings and softly plucked basses. There is a quartet and a trio as well as the more usual duets. This is not one of Handel's great operas, by a long way, but an exceptionally varied and entertaining one.

Charles Farncombe directed in spruce, lively fashion, but allowed due weight to the expressive music. Lynda Russell sang Parthenope's music with charm and delicacy and a finely drawn line. The castrato role went to Paul Eswood, his best, fuller voice; there was some beautiful sustained singing, in the farewell song, particularly, and a stormily brilliant aria to end Act II. The wronged Rosandra, who spends most of the opera disguised as a man, was tidily sung, with exceptionally clear articulation, by Linda Ormiston; and all the smaller roles were capably played. The Kitching's stylized English text, done for the opera's only other revival here (Abingdon, 1961), came over excellently; the slightly gaudy but effective settings are by Peter Rice.

Stanley Sadie

Mephisto (AA)

Gate, Camden

Back Roads (AA)

Leicester Square Theatre

Absolution (X)

The Lane, St Martin's Lane

Klaus Mann's *Mephisto*, published in 1936, was perhaps the first work of fiction to deal with the individual moral dilemmas of the Nazi era. It is a roman à clef, based on the lives of a close-knit little group of friends who had come together around 1925, when the young actor-director Gustav Gründgens produced Mann's first play at the Hamburg Kammerspiel. Both youngsters acted in the play, together with Mann's sister, Erica, and Frank Wedekind's daughter, Paula, another member of their group. Gründgens was 25, Erica 20 and Klaus 17. Two years later Gründgens and Erica married.

The group was indivisible until 1933, when Klaus and Erica accompanied their father, Thomas Mann, into exile. Gründgens stayed behind to become one of the most approved and certainly the best director and actor working in the Nazi cinema and theatre. His position was always, ambivalent. While basking in the full favour of the Nazi establishment, he managed to avoid the worst compromises — artistic as well as political — demanded of other Nazi artists. He is known to have helped Jewish colleagues during the years of persecution. His hands at least seemed clean enough after the war for his career to continue unimpeded up to his death in 1953.

Mann, in 1936, had no indulgence for the Gründgens of his book, renamed Hendrick Höfgen. Gründgens and Erica had divorced meanwhile, and Gründgens had married the popular German star, Marianne Hoppe. The title of the book is taken from Gründgens' greatest role, in Goethe's *Faust*, and the story is a bitter portrait of a man and artist who sells his soul for the sake of career and applause.

Isvan Szabo's majestic film, *Mephisto*, a Hungarian-West German co-production, claims only to be "based on" Mann's novel. With 40 years' hindsight and a detachment impossible for Mann, he looks for broader implications in the particular story. "We have positively tried to avoid all possibilities of a concrete identification. What interested us was not what happened to particular people, but what happened to a multitude of people, the link between a character of this kind and history."

Played by an astonishing, exciting, demonic actor from the Viennese theatre, Klaus-Maria Brandauer, Szabo's Höfgen is as man and artist, much more flamboyant than the real-life likeness. To see *Mephisto* as a biopic, is a wholly misleading approach to Szabo's purposes.

As an actor, his Höfgen is at once peculiarly vulnerable and peculiarly adept in face of the moral decisions demanded by Nazism. Vulnerable, because the actor's career must always depend upon approval; adept, because his whole professional apparatus equips him to play chameleons to conceal his true self from everyone — even from himself.

Höfgen is an incorrigible opportunist and charmer. In turn he uses and abandons his mistress and his wife; and after 1933 stones for the theatre past by wooing the mistress of the Prime Minister and General (a kind of Hermann Göring and an impressive performance by an East German actor, Rolf Hoppe). Even in moments of histrionics self-reproach, you feel that Höfgen has so effectively banished his own conscience that he is accusing himself, not unadmirably, of some smart social climbing. Even when he compromises his art, revising his *Mephisto* performance to suit the prevailing ideology, lecturing passionately on the virtues of German culture, or redefining Hamlet as a correct Nazi hero, you feel that he has acted himself into a state of conviction.

Only occasionally, is the mask dropped to reveal the essential vulnerability of the man beneath. His is most exposed when, uncharacteristically, friendship gets the better of him, and he pleads with his high-placed patrons for the safety of his oldest friend, a comrade from left-wing theatre days. Only then



Faust for The General: Rolf Hoppe and Klaus-Maria Brandauer in Mephisto

does he realize how fragile is his relationship with power. Höfgen's moral progress and the changing world in which he lives is drawn with masterly precision and force. The film sustains its dynamism and spectacle. Though many films have attempted it, none before has so successfully recreated the moral as well as the physical atmosphere of the period.

It is worth noting, as an object lesson to any filmmaker, that all this has been achieved with a budget that would be quite derisory in terms of British or American production. This is in no way because of some miraculous Eastern European economy (the film was shot in Budapest which, apart from a few brief establishing shots, effectively doubles for Hamburg, Berlin, Paris and elsewhere). The secret lies in a confidently planned scenario (by Szabo himself in collaboration with Peter Dobai); in Szabo's proven assurance as *metteur-en-scène*; in sheer technical excellence (the director of photography is Szabo's regular collaborator, Lajos Koltai) and above all in rational use of

resources — locations imaginatively selected and impressionistically transformed by banners or period properties.

In recording my enthusiasm for this accomplished and supremely intelligent film, I must confess a wry sort of interest. The character who effects Höfgen's moment of spiritual enlightenment is a foreigner, a 1930s drama critic of *The Times* (Charles Morgan, presumably, though Morgan was not, like this one, a face-slapper). Szabo has type-cast in the role a non-professional, the present film critic of *The Times*, as George Perry pointed out earlier this week.

Martin Ritt's *Back Roads*, from a scenario by Gary Devore, is a much more likeable film than might be expected, largely thanks to the seductive and contrarily touching performances of Sally Field and Tommy Lee Jones, the Eastwood of the South. It is a latter-day road film; about a couple of incurable losers who learn the old lesson that, even for losers, two is better company than one.

She is a hooker (they have a

delicate etymological discussion on the difference between "hooker" and "whore" for her). He is chronically out of work and mildly given to petty theft. She tends to get maudlin about the little son with whom she long ago parted; he is laconically persistent in his liking for her. Together they get into a good deal of trouble, but with mutual encouragement, don't give in. Ritt shows a rough and unkind world with people in it who are not quite devoid of optimism.

Rank Theatres, better late than never, are reading the signs of the times and admitting that they have "identified a market for the more discerning film enthusiast in the west central area of London" — The Odeon, St Martin's Lane, has consequently been renamed "The Lane in St Martin's Lane" and will, henceforth, show product of specialist appeal.

Fears that the attempt to create a west central rival to the Curzon could produce a betwixt-and-between exhibi-

tion policy are somewhat hardened by the selection of *Absolution* as the opening attraction. It is distinctly a betwixt-and-between film. The names attached to it — Anthony Page as director, Anthony Shaffer as director, Richard Burton as leading actor — could lead to expectations of an "art" film, which would be quite dashed in the outcome. As a thriller without further pretension, however, it is no worse than most of the convoluted-plot-and-good-red-herring variety. Indeed it is more ingeniously written than most, wringing its melodrama out of the sublimated torments and tensions of an English Catholic boys' school.

Richard Burton suffers mightily as a celibate priest and schoolroom despot; and Dominic Guard and Dai Bradley make their schoolboy monsters believable. Billy Connolly wanders by as a motorcycle hippy whose presence as the priest's antithesis precipitates catastrophe. The film's major lack is the sense of visual effect vital to an effective film thriller.

David Robinson

Theatre

All My Sons

Wyndham's

It was the misfortune of Arthur Miller's first successful play that it was followed a year later (1948) by his masterpiece, *Death of a Salesman*, which had earned him a huge following as Broadway's spokesman of the national conscience — was put down as something he had to get out of the way before he found his own voice.

It is true the piece is put together like a star pupil's Ibsen exercise, complete with a visiting doctor, a poisonous past waiting to engulf the sunlit present, an array of onerous symbols, and a reliance on mechanical tricks that crank the plot back to life whenever it shows signs of flagging.

None of this counts for very much in comparison with the sheer moral force of the play, and the fact that for most of the way Miller succeeded in turning Ibsen's method to his own advantage. The main point that emerges from Michael Blakely's fine production is that *All My Sons* is not so much a trial-run as a companion piece to *Death of a Salesman*. The second play examines the American success story from the viewpoint of the little man. The first considers it in relation to the boss class.

The subject of wartime profiteering and criminal fraud at the expense of the fighting man is generally beset by the image of an anonymous fur-coated capitalist smoking a fat cigar. What Miller achieves is to turn him into your next-door neighbour, a cheerful, kindly suburban Daddy, who just happens to have caused the death of 21 pilots by shipping a consignment of cracked cylinder heads from his otherwise model factory, and



Rosemary Harris and Colin Blakely: triumph over text, powers of performance

letting his partner take the rap.

Miller gives him all the extenuating circumstances. The military were going mad for supplies; if he had failed in delivery he would have gone out of business; he was working for his sons, not for himself; America is based on family life, and he was looking after his family. Some of this is evasive, some of it is deeply sympathetic, but Miller draws the public moral circle around the private one and justly sends Joe Keller out to put a bullet through his head. The production excels equally in articulating the play's merits and in lubricating its creaky joints. One of these is the idealistic son Chris, whose attacks on the old man can suggest a self-righteous prig.

What Garrick Hagon does

with this part is to avoid any appeal to sympathy right from the start, and to play Chris with the hard detachment of an ex-soldier who has never found his way back into civilian society: what he says is what counts, not whether we like him while he is saying it. The main triumph of performance over text comes in the adjoining houses of Henry (it is a pleasure to welcome this wonderful actress back to the British stage).

As written, the part thumps home the stereotype of women as asocial creatures, exclusively concerned with looking after the nest; her dialogue consists partly of mother-hen expressions and an immovable conviction that her pilot son is still alive. Miss Harris's gently-ravaged delivery reveals the lines of all their

abrasive assertiveness, and from the first lines she speaks it is clear that she has been living with the family scandal for years.

The main barometer of the play's changing mood is Colin Blakely's Keller, first seen delivering harmless white lies in the sunlit first act, with neighbours popping in from the adjoining houses of Henry and Griff's magnificently naturalistic clap-board set. You know what is coming, but thanks to Mr Blakely's powers to peel layer after layer of the character, from brusque authority and gregarious fun through panicky aggression to his final stony assent with his accuser, the play's argument is conveyed through continuous suspense.

Irving Wardle

Black and Blue

Haymarket,

Basingstoke

Almost as if apologizing, the programme for *Black and Blue* establishes that "Horseshoe" is committed to presenting a certain proportion of new work. Perhaps that merely shows a certain amount of anxiety over the subject-matter of Peter Fieldson's play, which is the death of Joe Orton. There may be some cause for trepidation in Basingstoke, where the Horseshoe Theatre Company is resident at the Haymarket Theatre, but Mr Fieldson is not at all candid about the

really seamy nature of Orton's life and death. In his hands, Orton's murder by his lover, mentor and flatmate, Kenneth Halliwell is comparatively sanitized by being treated as an Ortonesque black farce, complete with Orton characters from the plays.

The difference between farce and black farce seems to be that one can give away most of the plot of a black farce, at least most of the jokes, so long as the serious intentions are respected. Mr Fieldson, then, is serious about his comedy: he is not, particularly, serious about Orton, who is seen as a Frankenstein monster which slipped out of Halliwell's control, but that gives Halliwell his desired recognition as the real creator, not only of

Mr Sloane and Truscott in Orton's plays, but of Orton himself.

Not all the characters are afforded to, but Sloane appears immediately to discover the battered body of Orton, and to claim the vacant bed; Truscott arrives to investigate for the police and the girl from *What The Butler Saw* appears, claiming to be an assistant to Halliwell's psychiatrist. In the second act, Mr Fieldson conveys to divest Halliwell of his transgressions, handoff Truscott to Orton's corpse and spin a general air of befuddlement by copious unexplained references to Orton's life story and writings.

A smattering of good jokes and frequent lines of fair pastiche extend the jest quite

Concerts

BBC SO/Leitner

Festival Hall/ Radio-3

Wolf's orchestral settings of his Goethe and Mörike songs are too rarely performed. Their painstakingly selective scoring, revealed on Wednesday night in playing of equally fine sensibility by the BBC Symphony Orchestra, made the wonder of their metamorphosis minutely absorbing.

There were the poignant wind-threnodies, the pulsing harp arpeggios, the slow grief and guilt of the "harp player" songs. Without the bareness of the piano accompaniment it was left very much to John Shirley-Quirk to convey, as he did so movingly, the cold isolation within the voice itself, a pain veiled in mezza-voice, hardening into anger at the end of the third song.

And there was, most thrillingly of all, perhaps, the perception of expansive scale in "Kennst du das Land". Where, at the climax, the piano accompaniment can throw the shape of the stanza off balance by veering towards overstatement, the intensification of the scoring to the exultant strings: our bursts seem to restore perfect proportion. Elizabeth Connell sang this and "Schlaf, Jesus Kind" with a characteristically intuitive shaping of each musical and verbal phrase through skilfully controlled vocal timbres.

The perfect scaling of tempo and texture in this song was due in large part to the finely judged, deeply affectionate direction of Ferdinand Leitner. He had been of late an infrequent visitor to London and it is our loss. His song experience with singers is matched by a love of Richard Strauss which made *Also Sprach Zarathustra* a true apotheosis of the evening's achievements. Indeed, can play Mozart with such artistry as was demonstrated earlier in the *Overture in the Italian Style* should have much to bring to Strauss. This they proved in a carefully nurtured performance of slow yet rigorous growth, exquisitely flowering detail and exuberantly burgeoning strength.

Hilary Finch

Arnold Cooke

St John's, Smith

Square

The concert given on Wednesday night to mark the 75th birthday of Arnold Cooke might not have seemed well-arranged to convey any adequate idea of a prolific

composer whose output includes five symphonies and an opera. Yet the Oboe Sonata, No 1, written for Goossens in 1957, is characteristic of him in its tidily dovetailed craftsmanship and skilfully calculated development of ideas.

The slow introduction to the first movement is melodious and touching, and there is more of the same in the central Andante. The main body of this initial movement, and the finale, offer quick, energetic music, strongly patterned, its range of gesture not wide. In fact the two segments of slow music are quite similar as are the two of fast, and these latter despite the contrasts naturally thrown up by the last movement's rondo format. The performance by Roger Lord and Colin Horsley was a devoted one.

The Seaweed, a cycle of three songs commissioned last year by the Maybury Arts Trust, received its first London performance. The verses, which deal in simple, simple movements, are by Francis Loring, who also sang the solo baritone part. His is not exactly a strong voice.

The Flute Sonatina of 1956 is effectively laid out for its medium, a solo flute and simple message being conveyed; the neat, canonic writing in the central movement is typical. There is a pair of well-contrasted themes to each movement, although the field of expression is not wide. Edward Beckett and Mr Horsley gave a beautifully turned performance.

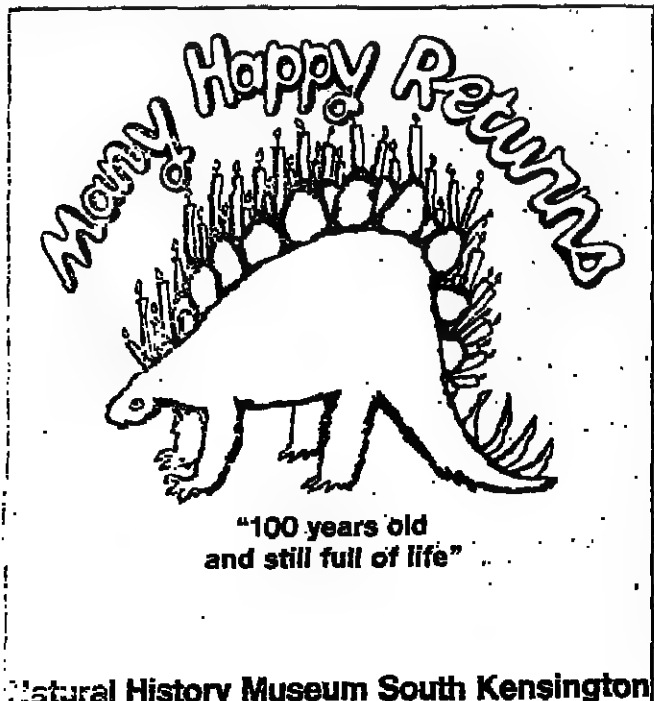
Max Harrison

London debut

The repertoire of original works for three guitars is small. But the enterprising young Amsterdam Guitar Trio (Olga, Franssen, Johan Dorrestein and Helenus de Rijke), unearthed what they believe to be the first, a trio in D by the eighteenth century Filippo Gragnani, and went on to introduce London to several composers sufficiently interested in their potential to write new works for them.

Whereas a delicately intricate set of variations by Joel Bons (born 1952) revealed their subtlety in understatement, a more extrovert and boldly coloured piece by Chiel Meijering (born 1954) called "Are you afraid of the dark?" allowed them to answer its question with a suite by Hans Kox (born 1930) dispelled an initial suspicion that they were inclined to play for safety. To offset the old and very new they also included comparatively familiar Faure and Debussy.

Joan Chissell



IN BRIEF

Productivity warning for Congress

The average Japanese worker produces twice as much steel and three more cars a year than the average American worker, a State Department official told the United States Congress yesterday.

Mr Robert D. Hormats, Assistant Secretary of State for Economic Affairs, said: "Clearly, if United States industry wishes to compete internationally, it must continue to modernize. Failure to do so may even cost it the home market."

Mr Roger B. Porter, co-sponsor to Mr Donald T. Regan, the Treasury Secretary, cautioned that productivity figures should be used with care. He said that overall the average Japanese worker produced about two-thirds the United States level in 1980. United States farming, for example, was much more productive than Japanese farming.

Colliery closure
The National Coal Board plans to close Coednam colliery, Maesteg, Mid-Glamorgan, because of serious geological problems underground. The 392 miners there will be offered jobs at other collieries in the field. The board said today. Coednam was opened 100 years ago but has been uneconomic for some time.

ICI Spanish deal
ICI has signed a contract worth more than £500,000 a year to supply Impatone 80B, a formula for wood pulping, to the state pulp mill in Spain.

Interest rates
Mr Hans Matthöfer, West German Finance Minister, said significant falls in German domestic interest rates could come quickly over the next year, because of the shrinking current account deficit and lower public borrowing.

Italy pay rises
Pay increases for Italy's manual workers and office employees exceeded the rise in consumer prices in September, the National Statistics Institute reports.

Project threatened
The Mitsui group has told its Iranian partners that it will withdraw completely from the Bandar Khomeini petrochemical project unless the Iranians agree to continue cooperation with Iranian funds alone.

Japan's annual surplus may reach \$20,000m

Tokyo, Nov 5. — The Organization for Economic Cooperation and Development is estimating that Japan's current account surplus will reach an annual rate of \$20,000m (£10,700m) in the first half of 1983.

The estimate, according to Japanese Foreign Ministry sources, is contained in draft plans for the annual Economic Outlook to be issued towards the end of the year. The draft plans were recently sent to the Japanese government for comment before official publication.

OECD believes, according to the draft, that Japan's current account surplus will stand at about \$8,250m this year. This, however, will grow to about \$15,000m on an annual basis in the first half of 1982, \$17,000m in the second half and then to \$20,000m in the first half of 1983. The OECD projections are based on the assumption that there will be no substantial changes in Japan's economic policy and the yen will remain relatively soft against the dollar.

Foreign Ministry sources said, however, that the yen is likely to appreciate generally against the dollar in the future because of an improvement in Japan's economic fundamentals and a downward drift in United States interest rates, and this is expected to serve to slow down exports and so help hold down the size of the current account surplus.

Japanese Government officials are afraid that the United States and the European Community may use the OECD report to intensify pressures on Japan and force it to remove, or at least ease, some of the restrictions now maintained on imports. Already Japan's commercial relations with the United States and the EEC have been strained because of the Japanese snowballing current account surplus, brought about mainly by rising exports.

Washington is expected to present a series of demands for the removal of non-tariff barriers in the near future. The Japanese, meanwhile, are preparing countermeasures asking the United States to lower its own trade barriers.

The EEC, for some time, has been also asking for an increase in imports to correct the trade imbalance. The Japanese government is now considering a series of measures to stir domestic demand and expand imports.

Mr Toshio Komoto, Japan's Director General of the Economic Planning Agency, said yesterday that Japan should "try to adopt an economic policy next year emphasizing low interest rates and higher economic growth."

In a speech covering the direction of the economy in 1982, he said the "current discount rate of 6.25 per cent was too high if seen in the light of purely domestic factors. A low interest rate policy is a must," he said.

Mr Komoto said, however, that it would be difficult to lower the Japanese rate because of the wide disparity between it and its United States counterpart. Meanwhile, yesterday, Japan's Finance Ministry announced that export letters of credit rose 7.8 per cent in October from a year earlier to \$8,541m due to strong exports of electrical machinery.

Davignon gives new warning on EEC trade with Japan

Tokyo, Nov 5. — Viscount Edouard Davignon, a European Commission vice-president, has issued a fresh warning that the gap between the EEC and Japan on industrial and trade cooperation is dangerous in view of the economic hardship affecting Western Europe.

He told a Japanese-EEC symposium here that an overall strategy had to be

developed by the two sides, encompassing long and short-term bilateral problems to produce quick results.

He said the situation was dangerous because it leads to concentration on what divides the two instead of what can be achieved by cooperation, and called on Japan to limit certain exports to the EEC and raise imports of manufactured goods. — Reuters

US manufacturers' losses mount Reagan pressed for 'cars summit'

From Bailey Morris, Washington, Nov 5



Baldrige call for cooperation on wages

President Reagan is being pressed by influential Congressmen to convene a White House summit conference on the mounting problems of the American motor car industry.

A bipartisan group of more than 150 Congressmen has signed a petition urging Mr Reagan to organize an "auto summit" as soon as possible to focus national attention on the industry's financial difficulties.

Noting the continued \$1,000m loss reported by the three leading companies in the third quarter, the Congressmen say they expect a new wave of layoffs in the coming months.

The losses, compounded with continuing flat car sales in October and projections of greatly decreased production this month, have fueled a new wave of calls for protectionist measures against Japanese imports and for Federal financial aid to Chrysler, and possibly Ford.

"Information we have suggests there will be additional losses reported in the final quarter of the year of more than \$1,000m. If interest rates do not ease in the next four to five months, Chrysler will have to call up \$300m in loan guarantees promised by the government and Ford may have to ask for help," said Representative William Brodeur in Congressional hearings this week.

White House officials have acknowledged receipt of the summit request but say privately it is doubtful for political reasons that President Reagan will agree to it.

Instead, the Administration is likely

to turn its attention to a new campaign designed to forestall requests for large wage increases when car workers' contracts expire next year.

Mr Malcolm Baldrige, Commerce Secretary, said this week the Administration feels the real answer to the industry's cash flow problem lies in greater cooperation between labour and management on wages.

"Let's face it, we have to become more competitive by eliminating some of our wage costs disadvantage," Mr

Baldrige said in Congressional testimony this week.

Mr Baldrige also said the Reagan Administration intends to put continued pressure on the Japanese Government to open its market to car products to help the mounting United States trade deficit with Japan.

He said if the Japanese fail to cooperate he sees a big trade conflict brewing.

A growing number of Congressmen are urging the Administration, however, to take even stronger action against the Japanese along the lines of the voluntary restraints on imports negotiated earlier this year.

Meanwhile, the leading companies continue to report bad news. This week General Motors said it would delay construction of yet another car plant, bringing its total number of deferred new plants announced over the past two months to five.

GM denied the delays were caused by cash flow problems but Wall Street analysts say the company will be lucky to show a profit this year of \$500m, down sharply from earlier projections of \$1,300m.

The November production figures announced by the car companies were also cause for concern and were down almost 17 per cent from last year's volume to the lowest monthly level since 1970.

United States manufacturers said they would build a total of 464,260 cars this month, a level which could result in cuts in working hours.

Computer technology exchange

By Bill Johnson, Electronics Correspondent

The British Technology Group has announced a new Anglo-American partnership in computer hardware and software.

The first involves the sale of Inspec Software, its marketing company to Briton Lee of California, in exchange for a licence to use the group's software.

Sluggish motor exports remain a drag on export ICS, following Japanese promises earlier in the year to restrain car shipments to the United States, Canada and some European nations. — AP-Dow Jones

International credit expansion

By John Whinnans

International bank credit expanded marginally faster in the second quarter of this year than in the opening three months, according to figures released by the Bank for International Settlements.

In nominal dollar terms the external liabilities and assets of the reporting banks did, in fact, fall slightly over the period to just over \$1,340m (about £714m). But this reflected a sharp rise in the amount of interbank activity included in the figures and the effect of translating all their dollar appreciation.

On an underlying real basis the settlements bank estimates that the external assets

of reporting banks probably rose by \$35,000m, compared with \$30,000m in the first quarter.

Among the points of interest revealed by the figures is that members of the Organisation of Petroleum Exporting Countries ceased to be net suppliers of funds to the system.

Opec funds deposited with reporting banks rose by only \$1,600m in the three months, while their new borrowing reported, exclusive of switching into the system, was \$1,500m. East Opec members who were responsible for the fall in new deposits and for the increase in borrowing.

pean countries totalled \$1,700m. These countries also ran down their deposits by a further \$1,400m.

The bank estimates that the Soviet Union was the principal withdrawer of funds. It says the identified stock of deposits held by the Soviet Union was down to \$3,600m by the end of June, some 42 per cent of the figure at the end of last December.

Non-oil developing countries increased their borrowing quite significantly in the second quarter, by \$8,500m in gross terms and by \$7,200m in net new deposits.

Euro-market activities of the European reporting banks grew only modestly in the second quarter.

Next step for video recorders

By Kenneth Gasking

step, but there were problems about reaching agreement on a worldwide digital standard.

Mr Ginsburg, who is the Ampex Corporation's vice-president of advanced technology planning, said the idea of a worldwide digital standard, based on digital components, was a wonderful one; the primary objective was to lower the cost of equipment.

"The advantages of using

digital components are unquestionable, but the problem of reaching agreement on the many parameters of a worldwide standard on signal format are extensive and will require some time and a lot of effort to resolve."

The television industry, he said, had managed to acquire VHS of professional trade, which were not exactly cheap, in staggering number.

Hammerson tops £6m in first half

By Our Financial Staff



My Sydney Mason, chairman of Hammerson.

Pre-tax profits of Hammerson Property and Investment Trust, which is headed by Mr Sydney Mason, rose from £4.8m to £6.6m in the six months to last June. For the full year to last December the group made pre-tax profits of £11.3m.

Rental income reached £18.7m, against £15.4m, while other income amounted to £30,365, compared with £18,000.

The figure for group and lease rents paid came to £2.9m, against £2.5m, while interest paid was £9.9m—up from last year's first-half figure of £8.6m. Mr Mason said the main reason for the increase in the pre-tax profits were rent reviews in the United Kingdom and an increase in profits from overseas shopping centres, especially those in Sydney and Perth, Australia.

Hammerson, which is one of the United Kingdom's leading property groups, produced

after-tax profits for the six months to June of £4.1 against £3.1m in the first half of 1980.

The group net profit attributable to shareholders was £3.4m

compared with £2.5m and earnings per share improved from 5.44p to 7.13p.

The surplus on the sale of properties and investments in associated companies, less attributable taxation, was £266,844 in the six months to June. The comparable figure for 1980 was £16m.

The dividend will be 3p net a share, which will be paid on December 4. This compares with the first-half dividend of 1980 of 2.5p net per share.

Mr Mason, who is 61, has run the company since 1958. He takes particular pride in the development of the new London shopping centre at Brent Cross, which took 18 years to bring to fruition. In the books of Hammerson, Brent Cross is still treated as a development property and is not in the company's investment portfolio.

Tootal sells US chain

By Our Financial Staff

Just two years after completing a deal to purchase American clothing chain Ups 'n Downs, Manchester-based Tootal has sold out to the United States Shoe Corporation.

Tootal bought the chain, with 173 branches, for \$19.3m (£9.75m) in 1979. The agreement in principle to sell the business is subject to the negotiation of a final purchase price, but Tootal's finance director, Mr David Tattershall, said yesterday that the sale price would be less than the purchase price.

Mr Tattershall said Tootal was selling the business because it is still losing money.

The sale should allow the company to make better use of its resources, he said. United States Shoe had the resources and management skills on the spot and these were needed to turn the company around. Mr Tattershall said the fall-off in sales was not a crucial factor.

United States Shoe is a consumer goods company involved in manufacturing, importing, wholesaling and retailing men's and ladies' footwear. It also has interests in specialty clothing retail outlets through its Casual Corner, August Max and TH Mandy clothing division.

Courtaulds to get £31m from sale of pulp mill

By Drew Johnston

Courtaulds and the Commonwealth Development Corporation are to sell off the Usutu Pulp Company in Swaziland to the Mondi Paper Company, a subsidiary of Anglo American Industrial Corporation for £31.3m. They each own half the company and will split the consideration which will be received over four years.

Usutu was set up as a joint venture between the two groups in 1958. Courtaulds' 50 per cent stake in the company was included in the balance sheet at March 31 1981, at £5.5m on an historical cost basis and £27.9m on a current cost basis. Usutu's profits before tax attributable to Courtaulds for the year amounted to £2.9m on an historical cost basis, £2.1m under CCA.

Courtaulds said yesterday that the sale is taking place because Usutu's activities were not a major part of the group's industrial base.

Usutu produces about 10 per cent of the world's bleached kraft market pulp supply. Its production of 175,000 tonnes a year is sold to the integrated Mondi bleaching and paper-making operation.

Courtaulds will continue to own their Sacoer wood pulp plant in South Africa which produces raw material for viscose fibre production. The deal is dependent on consent from the Swazi government and Swaziland and South African reserves banks.

Stock markets Bid rumours add impetus

Takeover speculation provided an additional boost to an already firm equity market yesterday as the 30 share index broke through the 500 barrier for the first time since September.

P & O remained the talking point with the share price extending its 22p rise of the previous night a further 6p to 136p as talk of a bid from the Far East continued to reverberate around the market. Imperial Group was another focal point, improving 4p to 64p amid talk of a dawn raid.

Both suggestions were denied by the companies, which did nothing to upset the overall sentiment of the market, still eagerly awaiting first time dealings in Cable & Wireless this morning.

The FT Index of which P & O and Imperial Group are both constituents, closed at its high point for the day 9.8 up at 5042. According to dealers, Cable & Wireless is almost assured of a successful send-off today and is expected to open no lower than 210p and may extend its lead to 220p—a premium of 12p over the offer price of 168p.

Rumours of a dawn raid by GEC, anxious to pick up 10 per cent of the company, only to increase the expectations of most investors. Elsewhere, turnover proved to be low with interest mainly centred on today's events. Government securities remained flat, supported by news of the latest reduction in US

prime rates by 1 per cent to 17 per cent. Even the doubling of next year's US budget deficit to \$98,000m failed to dent investor's faith in the pound, merely reverting to unchanged while at the shorter end rates of 3/16s were noted.

Unilever was another feature in blue chips with the price rising 10p to 63p as dealers reported extensive switching into the NY ahead of figures due out during the next account opening on Monday. Elsewhere, ICI rose 4p to 282p, Beecham 5p to 216p, Glaxo 2p to 432p, Fisons 5p to 151p, Rowntree 4p to 205p and Courtaulds 2p to 59p.

Distillers was also wanted after recent bearish news over the level of whisky stocks and returned 7p to 161p.

Engines were another useful feature. British Aerospace rose 12p to 196p, Hawker Siddeley 4p to 322p, Smiths Industries 8p to 337p, GKN 1p to 157p, Metal Box 6p to 150p and Westwood 5p to 112p.

The numbers of UK Unlisted Securities Market swelled again yesterday as broker Hoare Govett introduced a further two newcomers. Feedback started life with a premium of 13p over the offer price of 90p, but VW reverted to unchanged at 62p, after 63p.

Foods again held most of the limelight on the takeover front after the recent flurry of bid news. Shares of Linford dipped 3p to 177p after M & G Group, has decided to resist the bid from Argyll Foods. Associated British Foods remained unchanged at 146p ahead of figures next week while Banks Hovis McDougall, the subject of a dawn raid earlier in the week, encountered profit taking and slid 1p to 591p.

Speculative attention lifted Bowthorpe 4p to 174p, Tesco 3 1/2p to 43 1/2p, Tescor Kemsley 5p to 74p, J Shephard 6p to 98p and Grindlays Holdings 4p to 101p.

Energy Capital returned from suspension 1p higher at 61p but

with little else to report other than that bid talks were continuing. Meanwhile, shares of industries were suspended following the listing ban temporarily suspended on Wall Street.

In shipping shares of Ocean Transport advanced 12p to 114p in the wake of the excitement over P & O. Reederei Smith & A also gleamed some benefit rising 8p to 99p.

International Thomson leapt 33p to 277p after half-year figures and details of its latest rationalization plans while Wemyss Investment Trust improved 10p to 345p after figures. However, news of

Woodhall Trust rose 2p to 150p after 152p, yesterday amid speculation that the group was continuing to build up its cash and assets position. Last year the group sold its 29 per cent stake in Pauls & Whites and now has land in Australia which is said to be drawing envious glances. A full scale bid may soon be under way.

Losses wiped 3p from Wace at 10p. Awaiting figures next week. Flight Refuelling rose 15p to 210p while La Rue 12p stronger at 670p.

Oil staged a relatively firm performance, but KCA International fell 4p to 137p against the trend amid reports of hanging the market.

Equity turnover on November 4 was £141,888m (12,964 bargains). Traded options: Total contracts rose to 3,197 of which P & O almost dominated proceeding with 1,070 calls.

Traditional options saw calls in BBS on 141p, P & O on 14p, Royal Bank of Scotland on 15p, Tuxor Kemsley on 74p, while debentures were completed in KRT on 61p and Royal Bank of Scotland on 28p.

Producers push for new gas contracts

Nov 5. — With government price ceilings steadily rising and decontrol looming in 1985, United States natural gas producers are trying to extricate themselves from old long-term contracts that have artificially depressed prices.

They want to substitute new agreements that will allow them to impose big price increases once they are permitted under the new American Gas Association estimate that half the pre-1973 contracts have already been amended.

This means that consumers are likely to feel the effects of decontrol earlier, and more sharply, than expected.

Mr Sheffield Nelson, chairman of Arkansas Louisiana Gas, says that his company's natural gas costs would be "at least a thousand cubic feet higher without long-term contracts." That is nearly 60 per cent higher than the utility's current average cost of \$1.70 a thousand cubic feet. Any increase would be borne entirely by residential consumers, said Mr Nelson.

In Houston, residents pay two special levies a year to cover Houston Lighting and Power's rising gas costs. Were it not for the utility's long-term, low-price gas contracts with Exxon, the residents of Houston would be paying even more.

The contracts now so unpopular with producers date from the 1940s, 1950s, and 1960s. Then oil was abundant and demand for gas was less. To attract gas customers and to persuade companies to build plants near gas-producing areas, producers promised cut-rate prices for 20 years or more.

Business Appointments

Eurobond chief at Morgan Grenfell

Mr Paul Gold, formerly with Credit Suisse First Boston is to join the Eurobond division of Morgan Grenfell & Co. as a senior assistant director.

Mr Kenneth W. Atrill has joined the board of Town Centre Securities. Mr Graham Bolton has been made director, marketing personnel of Lilly Industries, Basingstoke.

Mr John East becomes a director of BASF United Kingdom. Mr Ian Woogor is now a director of Grandfield Rork Collins & Partners.

Pipework group's outlook gloomy

By Margareta Pagano

Capper-Nell yesterday told of continuing tough conditions for its pipework and process plant business in the United Kingdom and warned shareholders that it may not end to the recession.

High interest charges and redundancy costs have again hit pre-tax profits, which are down to £1.6m in the six months to September, against £1.8m last year. Sales declined by £800,000 to £53.1m in the period. Never-

theless, the gross half-time dividend is unchanged at 3p and the shares hardened 1p to 53p.

At the trading level, profits held steady at £3m, which reflects maintained profit margins in extremely competitive trading for orders. But the drop at the pre-tax level comes from higher than expected redundancy costs at £510,000, against £352,000 and interest charges of £310,000 compared with £217,000.

Mr William Capper, chairman, says trading was particularly difficult for the factory-based companies. Capper's programme of restructuring continued throughout the period and redundancies were greater than planned.

Last year, Capper employed 4,400 staff, but the number has since been cut by 15 per cent. Cost-cutting and reorganization continues throughout the group. Borrowings stand at a similar level to last year's £10m, which represents 32 per cent of shareholders' funds. These are expected to be reduced by the year-end.

But the group is not optimistic about the second half, with no signs of improved demand. Mr Capper adds that with high interest rates and lack of confidence discouraging capital investment, he sees little prospect of industry climbing out of the recession.

Last year Capper, with manufacturers for the private sector only, saw profits rise by 25 per cent to £3.8m on turnover up 8 per cent at £105m.

BASE LENDING RATES

ABN Bank	15 1/2%
Barclays	15 1/2%
BCCI	15 1/2%
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* 12m deposit on sum of £10,000, 13 1/2%
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The Over-the-Counter Market

1980	1981	Company	Price	Chg	Div	Yld	P/E	Ratio
Week	High	Low						Paid
114	100	ABI Hldgs 10% CULS	110	—	10.0	9.1	—	—
78	39	Airsprung Group	67	—	4.7	7.0	10.6	14.7
52	21	Armazac & Rhodes	43	—	4.3	10.0	3.6	8.1
200	92	Bardon Hill	193	—	9.7	5.0	9.4	11.4
104	88	Deborah Services	98	—	5.5	5.6	4.9	9.2
126	88	Frank Horsell	120	—	6.4	5.3	10.8	26.1
110	38	Frederick Parker	60	—	1.7	2.8	26.1	—
110	49	George Blair	49	—	—	—	—	—
102	93	IPC	99	—	7.3	7.4	7.1	10.8
113	39	Jackson Group	98	—	7.0	7.1	3.1	7.0
130	103	James Burrough	110	—	8.7	7.9	8.0	10.1
324	244	Robert Jenkins	290	—	21.3	10.3	4.0	10.2
59	50	Scruttons "A"	55	—	5.3	9.6	8.5	7.9
224	181	Torday Limited	181	—	15.1	8.3	7.0	12.0
23	8	Twigold Corp	14	—	—	—	—	—
90	68	Twinnock 15% ULS	71	—	15.0	21.1	—	—
56	33	Unilock Holdings	34	—	3.0	8.8	6.1	10.3
103	81	Walter Alexander	84	—	6.4	7.6	5.5	8.8
263	151	W. S. Yeates	221	—	13.1	5.9	4.2	8.5

BY THE FINANCIAL EDITOR

Speculative froth keeps market happy

A market which has regained its confidence is ripe for the kind of ramping we are witnessing at present. The best example of this traditional stock market exercise is Cable and Wireless, which starts public life this morning. Not even British Aerospace has been talked up as much as C and W where the stage is predicting a premium of over 40p on the 168p offer price.

A backcloth of relatively low volume, a shortage of stock and further cuts in United States prime rates to 17 per cent, created the perfect climate for speculative froth in special situations. Rises in two index stocks, P and O and Imperial Group accounted for the bulk of the improvement in the FT 300 yesterday which pushed it over the 500 mark.

But then P and O and Imps have been perennial favourites. A dawn raid on Cable and Wireless by GEC this morning was brand new gossip. Behind all the speculative froth is relief in the market that a British Leyland disaster has been averted.

Ahead however, is the size of the United States budget deficit, which Wall Streeters are talking up to \$10,000m with all that means for interest rates.

P & O Waiting for a bid

The fire in P & O's shares in the past two days could well have been fuelled by the question of management succession as much as by the possibility of a takeover or the huge discount to net asset value they have been trading at recently. Suggestions do exist that Mr Sandy Marshall, a former chief executive, could be heading up a Far Eastern consortium interested in taking over Britain's largest shipping group. In the none too distant future, Lord Inchape, the chairman, Mr Richard Adams, the chief executive, and Mr Oliver Brooks, the financial director, are all up for retirement and watchers of P & O are none too sure who will fill the void.

But what will they be taking on? For some time now P & O has been winding down. Its management have not really been taking the group's assets work for their living. The half-year figures to last June bear eloquent testimony to the direction, quite apart from trading conditions the group has had to wrestle with — pretax profits for the six months were just £729,000, against £12.9m in the first half of 1980 and £47.1m for the whole of last year.

In bulk shipping, the gas carriers could show an improvement — after losing money for much of the year they are now making profits. A number of the bulk carriers have been sold off and here the management has clearly indicated a desire to reduce its involvement.

As for ferries, P & O is operating in a highly competitive market and losing money handsomely with a loss of £5.2m being sustained in the first half. Here the talk is that the group would be happy to disengage completely.

The general cargo ships and the refrigerated vessels are also believed to be up for sale. The offshore supply activities are not doing too badly, but the cruising side, which made an operating loss of £2.6m in the first half, will take time to turn round.

The main factor going for the group in the second half does, in fact, seem to be a seasonal one, although it is true the labour disputes will not depress profits to quite the same extent they did in the first six months of the year.

Of the other activities, the Bovis building side has been doing quite well in very difficult conditions, while UK banking could hardly fail to make money with interest rates where they are now. Contrary to a popular impression, the group is not that highly-gearred with debt totalling some £280m against shareholders' funds of £470m, which is quite conservative for a shipping company and reflects the recent sale of assets including, for instance, oil exploration rights.

The net asset value of the shares is probably just over 30p apiece, but that begs all sorts of questions about valuation. Even so the discount at which they were recently trading perhaps exaggerated the group's prospects on the

pessimistic side. Yesterday, they finally settled down at 136p and shareholders would do well just to sit and await developments.

Bankers Trust Depositing the retail business

The escalating cost of running retail branch networks is spawning numerous upheavals in retail banking in the United States where there is the added problem of the tight legislative as well as this country. Bankers Trust New York Corporation decided about two years ago that the solution was to withdraw from retail banking altogether and yesterday's announcement that it has reached agreement in principle for the sale of its Visa credit card business to First National Bank of Chicago marks another major step down this road.

In 1980, Bankers Trust sold off 80 of its 103 branches and is presently negotiating on the sale of another four upstate banking subsidiaries to other banks. When these sales and the credit card deal are completed, Bankers Trust will have virtually completed its withdrawal.

The sale will leave the bank free to concentrate on its strategy for the future, that of being a wholesale bank servicing corporate customers, governments and a few rich individuals with commercial and foreign exchange business and fiduciary services. For this it will keep fifteen branch offices in metropolitan New York.

Tax proposals: Plastering over the cracks

Almost all interested parties agree that the Confederation of British Industry's proposal for a technical Finance Bill to mop up the numerous anomalies in the tax system is a good idea.

The only opposition seems to come from the Inland Revenue itself which, perhaps reasonably is unhappy about being saddled with further burdens while lacking enough resources to cope with its existing workload.

Nevertheless, the CBI recognises it has to persuade senior Revenue officials who will in turn, it hopes, convince Ministers the idea makes sense. One encouraging sign is that the Chancellor of the Exchequer, Sir Geoffrey Howe, has publicly argued in favour of a technical bill on at least two occasions.

The proposal is that a technical tax bill would help clear up various issues which are redundant or anomalous, but are not sufficiently pressing to get included in the annual Finance Bill. The added benefit of an "as required" technical bill would be that it would remove those highly-technical items which do get included in the Finance Bill and, perhaps occasionally, bamboozle MPs at the end of all-night sessions.

The CBI is first in the field with concrete proposals, though it is clear that other interest groups are keen on the idea. But the employer's organization has been deliberately non-partisan in the topics it has suggested the Government might include in the bill. The fact is most tax practitioners would be hard-pressed to come up with a collection of less exciting ideas than those proposed by the CBI.

Removing the distortions from the capital gains tax rules on roll-over relief for waiting assets may not be glamorous, but it is practical and has the strategic advantage of being a relatively innocuous measure. After all the real issue here is winning the principle of a technical bill.

Later, the CBI intends to look for wider-ranging adjustments, on such issues as the present tax treatment of dividends paid to shareholders.

The only objection lies in the fact that these proposals have been launched before the publication of the long-awaited Green Paper on corporation tax.

Though the CBI says it's going for the "itty-bitty" approach to the problem of reform, it could be argued the technical bill will serve only to plaster over the cracks in the tax system and further delay genuine reform.

Can Sir Denis Rooke, chairman of the British Gas Corporation, continue in a state of open warfare with the Government without either being fired or resigning? After yesterday's tense meeting between Sir Denis and the new Secretary of State for Energy, Mr Nigel Lawson, over the Gas Corporation's decision to issue a public statement on the gas measures in the Queen's speech, the question can hardly be avoided for much longer.

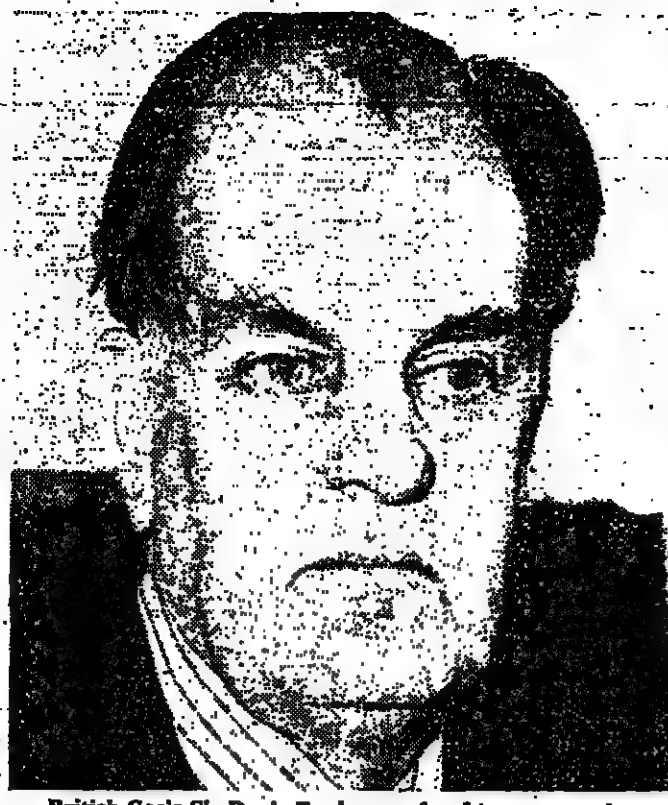
Politics being what it is, even so uncompromising a figure as Sir Denis will probably repeat a little from the public eye and Mr Lawson will try to avoid pushing him over the brink. But the fundamental conflict remains, with neither side conceding much.

On the one side is Mr Lawson, new to the job of Energy Secretary, determined to carry through policies whose aim is to "roll back the frontiers of the public sector" and with an established record in the Treasury as a man determined to get his way. On the other side is Sir Denis, who sees himself with almost puritanical fervour as the defender of the integrity of the state gas industry, contemptuous in his refusal to compromise and rigid in his pursuit of what he regards as his statutory duty as chairman of the Gas Corporation.

The irony is that Sir Denis is in many ways just the kind of industrialist that Mrs Thatcher and Mr Lawson profess to admire — and probably do in this case. An engineer from London University, he came up through the industry while it was fighting a long rearguard action against the encroachment of cheaper oil.

Sir Denis gained his reputation as a pioneer of liquid natural gas shipments from Algeria — the first in the world — and in the early years of the Gas Corporation's involvement in the North Sea. He came to the chairmanship of the corporation in 1976 as the fruits of the gas industry's success were inevitably leading it into conflict with the Government.

As the head of any organization Sir Denis would have been formidable, an industrial



British Gas's Sir Denis Rooke: a refusal to compromise

baron totally committed to his own enterprise, right-wing in many of his views, a builder of business, and looked to for advice by governments seeking the industrialist view.

His engineering background and his contempt for the niceties of establishment life would always make him a difficult figure to fit into the circles of the City and politics. But his success would have been hard to argue with.

However, it is as the head of a nationalized industry, and Britain's most profitable one, that Sir Denis has emerged into the public eye and run into such conflict with the Government.

His loyalty to the gas industry and to the concept of a public utility, owned by the public in the public interest, is almost fanatical. If he is uncompromising, it is at least partly because he was brought up in an industry that had to fight for its own life.

Adrian Hamilton

How long can Sir Denis survive?

nothing to apologize for and a lot to be congratulated on. It has developed a natural resource, by his lights, with efficiency and speed. It has negotiated with the oil companies and a reasonable price for the nation. It has provided employment for thousands and developed a number of processes which are now sold widely abroad.

It has also made Sir Denis unique among nationalized industry chairmen in his refusal to consider the normal ways of discreet accommodation and corridor politicking to defend his industry. Under the last government when the Cabinet intervened to control gas prices and the salaries of the board members, he openly accused them of betraying long-term interests for short-term advantage, being quite prepared to speak as strongly on the subject of his executives' pay as on the subject of the economics of gas pricing.

When the new Conservative government came in, Sir Denis reacted even more vehemently to suggestions that the corporation's oil income be hived off and its showrooms sold. Casting aside every Civil Service effort to get him to agree to an emasculated compromise under which he would set up subsidiaries to handle a minority private shareholding, he told Mr David Howell, the Energy Secretary — repeated in a letter — that his statutory duty was to fight such proposals and that he would insist on legislation to force him to do so.

He argued with the Prime Minister and the Energy Secretary that either the Government was chiefly interested in money, in which case he would lend them back part of his profits, or it was interested in undermining the industry, in which case he would fight it every inch of the way.

Mr Howell gave way, his successor has not. Although action against the showrooms has been postponed because of the problem of ensuring safety if sales and maintenance were to go private, legislation is to be introduced to force the corporation to sell off its oil interests and break its first refusal rights

as purchaser of all gas found within Britain.

Sir Denis's reaction has been immediate. Within hours of the Queen's Speech, with the full backing of his board, he publicly attacked the "piecemeal break-up of an economic structure with a proven record of success" and suggested that, if the introduction of private investment was the way, then surely a BP solution with a minority private shareholding in the corporation as a whole would be better.

Mr Lawson's response was equally speedy. The decision had been made, he told Sir Denis yesterday. It was quite improper for a state industry to declare battle in this public way now that the argument was decided. Sir Denis would just have to bow to it. If Sir Denis is lucky, and subtle, he can hope that, while the legislation may be expanding the practical problems of actually assessing the value and instituting a sale of oil assets, let alone the complications of actually developing private sales of gas from the North Sea, will ensure that nothing happens in practice within the lifetime of this Government. If he is unsubtle, then he may find the Government deliberately forcing the pace.

It is in Sir Denis's character as much as in the rights and wrongs of the case — the logic of his arguments is still impressive — that the problems of the gas industry may now lie. Sir Denis grew up in an era when the gas industry came from nothing to become one of the fastest-growing industries in a declining country. Now this industry has reached a size and exposure where it cannot hope to be left to its own devices and where it will find it increasingly difficult to justify Sir Denis's view that integration rather than separation is essential for its future.

Sir Denis has repeatedly said that he is not a resigning man. The Government has no desire to sack so prominent and effective a chairman. But it is becoming increasingly difficult to believe that, in the clash of wills, Sir Denis will not be forced into a position where he can only resign if he is to keep faith with his beliefs.

Jet-powered attack on pests

How do you print on to material as delicate as a butterfly's wing? Or spray insecticide so uniformly over a plant that the whole surface, including the hidden underside of its leaves, is covered by an even film?

Both feats can be achieved by means of the emerging technology of electrostatic spraying. In its first main application has been in the field known as "ink jet".

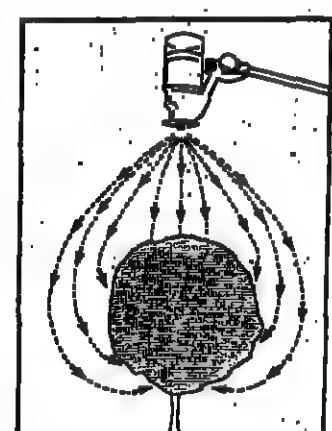
Technology

printing. The second, which is less developed but potentially even more important, is the electrostatic spraying of farm crops.

The idea is to produce a stream of extremely small and give each one an electrostatic charge. This enables the operator to control the subsequent behaviour of the liquid in a way that would be impossible if it were not charged.

Ink jet printing is being developed in several countries; Cambridge Consultants is perhaps the leading exponent of the art in Britain. In a typical system, ink is forced under pressure out of an extremely narrow nozzle. Ultrasonic pulses break the jet into a continuous series of equally spaced droplets at the same time, a variable electrode charges each drop to a high voltage.

Then the stream travels



How the electric field developed between the Electrodyne sprayer and a plant wraps the spray around its target.

Electrodyne, designed for low-intensity tropical agriculture. Using standard U2 batteries and a solid-state high voltage generator, the Electrodyne emits extremely fine jets of positively charged liquid, which soon break up into tiny, mutually repellent droplets. As the spray fans outwards an "earthed" plant, it induces an opposite, negative charge on the leaves and stems. The electrostatic attraction of opposites then ensures that the pesticide forms a uniform and tenacious coating over all surfaces.

The droplets, which measure less than one ten-thousandth of a millimetre across,

are so light that the electrostatic force overcomes gravity and they coat the underside of leaves — the favourite haunt of most insect pests.

Testing Electrodyne on cotton in West Africa, ICI was able to administer an effective dose of pesticide at the astonishingly low volume of 0.5 litres per hectare. Conventional sprayers use about 400 litres per hectare of more dilute solution, so Electrodyne offers a striking increase in efficiency.

ICI scientists and engineers are now working to extend the technology to a tractor-mounted sprayer for Western farmers, but they say production models are unlikely to be available before 1984. One reason for the delay is that insecticides must be reformulated to be effective on highly concentrated oil-based solutions, and the new formulations have to be approved by various official bodies.

The Electrodyne nozzle will function only with oil-based pesticides, because the "more usual" water-based sprays do not provide sufficient electrical resistance to create the large voltages needed. However, three public funded agricultural research organizations are developing different electrostatic sprayers which

should work with any water or oil based pesticide or herbicide.

The Rothamsted Experimental Station, Harpenden, is the furthest advanced of the trio, with a sprayer that breaks a stream of charged liquid into droplets by means of a rapidly spinning disk.

Then comes the National Institute of Research in Horticulture, Bedfordshire, whose machine uses an ordinary high-pressure nozzle and then charges the droplets.

Finally, the Weed Research Organization near Oxford is designing an electrostatic sprayer specifically for weed killers; the other organizations have concentrated so far on spraying against animal pests.

The British Technology Group, the body responsible for commercializing government-funded research results, has begun to look for companies to manufacture the three types of sprayer, under licence. At the same time the BTG is considering the possibility of setting up a new company to exploit electrostatic crop spraying — one technology in which Britain so far has a clear lead.

Clive Cookson

Business Diary: Mum's the word at Wedgwood

No mug, Sir Arthur Bryant of Wedgwood, who on Business Diary's reckoning was the man fastest off the mark when the news came through from the Palace yesterday. He has already arranged with Lord Snowdon to follow up the success of the Wedding Mug designed with Carl Toms.

"The commemorative market is of great importance to us and we are already planning jasper, bone china and earthenware pieces from under £5 to £500. We are set to go in four weeks."

"Of course, we are in the fortunate position of having existing shapes to carry bas relief and heraldry. Canada, New Zealand and Australia are bound to take a great interest. Before the wedding I told the CBI that we'd have a boost to trade and we certainly did."

Ken Gaskell, the financial controller of Mothercare just hopes the trend catches on. The birth rate has been falling, but more babies means more business for us."

At the International Wool Secretariat, they expect increased interest in hand knitting. "This is a high class event and we expect people to use the best pure new wool."

The Comité Interprofessionnel du Vin de Champagne is delighted, because happy events stimulate toasts in

good wine and what could be a better way to wet the royal baby's head than with real Champagne?

The knitting wool spinners expect that more people will knit more for their babies. Patons & Baldwins is already planning leaflets for a "royal" hayettes, as well as expecting the women's magazines to commission special features.

Courtaulds expects that the more people who spend more money on their children the better things will be for their two famous terry towelling firms Ashtons' Zorbit and good old Harrington. "The trouble is that terry towelling nappies get passed down from one generation to another. Although the disposable nappy people are spending a million on advertising in trying to weed the British mum from ordinary nappies, we still hold the top of our market."

"W. M. Christy & Son, one of our companies, has just signed up the Emanuel (the royal wedding dress designers) for a five-year contract and their bed linen and bath towels for us will be at Daxter (a textile exhibition at Birmingham) next Monday. We expect the logical extension to nursery textiles. They do have a couple of children of their own. It all seems to follow."

Ombudsman of War

Fireworks today from Pat Cook, for seven years the local government Ombudsman for England. He wants to make a bonfire of the rule under which people who wish to complain to him of local authority injustice have to do so through a member of the council about which they are complaining.

Pat Cook says in his autobiography, *Ombudsman*, published last by Brown Knight & Truscott (£9.95), is not good enough.

One former chief executive, Cook says, told members of his council that "if they referred complaints to the Ombudsman they would be seen as disloyal to their authority and their officers."

Ombudsman is a funny and informative book by a man who knows as much about bureaucracy whether legislative, administrative or commercial as anybody. What is more, Cook is still in the saddle and in his autobiography, shooting from the hip.



Ombudsman Pat Cook

then Tory government's refusal to allow the statutory registration of hotels, a measure which would have upset Tory-voting seaside landladies.

We are still no nearer to that, but Cook's autobiography may yet prove to be a big step towards the better understanding and functioning of the Ombudsman system. It is also a very good read.

Nuclear nylons

The Oxford mathematician Professor John Kingman, who, at 42, is the youngest person to be chairman of the Science and Engineering Research Council, took his bow yesterday.

His optimism shone through the gloom when he was explaining why completion of a £10m machine called the Nuclear Structures Facility at the Daresbury Laboratory, near Warrington, has been delayed.

This immense piece of apparatus to penetrate the atom, and built as a national centre to be used by all universities, works at 25 million volts and has special insulating devices made from nylon.

In tests earlier this summer the machine reached higher temperatures than those for which it was designed and under the excessive heat and the large electrical stress the characteristic of the nylon reversed from being a good electrical insulator to being a good conductor.

"The discovery of this phenomenon," Kingman declared, "is a valuable contribution to science." So nice to know that a nuclear fowl-up is good for you, isn't it?

Three leucates

Quebec engineers, Peter Howes, Roger Muford and Alan Blew, went to Buckingham Palace yesterday to collect a £25,000 cheque from the Duke of Edinburgh for developing the Microjet, a miniaturized fuel injector which has taken the Diesel car engine industry by storm.

At the same ceremony Bob Lucas, director and general manager of Lucas CAV, their chief, received the MacRobert Gold Medal this country's top award for innovative engineering.

The medal — solid gold — will hang in Lucas's office, but sadly the three engineers held the cheque only for a few minutes before passing it on to the company.

Why are they not keeping it? After all, it was introduced by the Fellowship of Engineering, so that individuals would benefit from the work which they had put in to win the MacRobert Medal for their employer.

"It must seem a bit steep," said a Lucas spokesman. "But in fact, they never expected to keep it. They were selected as representatives of the various teams who designed and developed the Microjet. A lot of people were involved, but naturally we couldn't bring all of them."

Ross Davies

(Free translation of the official French text)
UNION MINIERE
Société Anonyme
Régistrée au Tribunal de Commerce de Bruxelles
Siège Social: 1, rue de la Croix-Blanche, 1150 Bruxelles
Boulevard de la Woluwe 62, 1200 Brussels

NOTICE TO SHAREHOLDERS
Shareholders are invited to attend the Extraordinary General Meeting which will be held on Thursday 24th November 1981, at 2.30 p.m. in the Office of the "Société Générale de Belgique", 50 rue Royale, Brussels.

AGENDA
1. Report of the Board of Directors explaining the latest for the company of the harvest proposed operations and report of the legal auditor on the transfers to be made in execution of these operations.
2. Declaration of the Board of Directors on the company's financial statements for the year 1980.
3. Declaration of the Board of Directors on the company's financial statements for the year 1981.
4. Declaration of the Board of Directors on the company's financial statements for the year 1982.
5. Declaration of the Board of Directors on the company's financial statements for the year 1983.
6. Declaration of the Board of Directors on the company's financial statements for the year 1984.
7. Declaration of the Board of Directors on the company's financial statements for the year 1985.
8. Declaration of the Board of Directors on the company's financial statements for the year 1986.
9. Declaration of the Board of Directors on the company's financial statements for the year 1987.
10. Declaration of the Board of Directors on the company's financial statements for the year 1988.
11. Declaration of the Board of Directors on the company's financial statements for the year 1989.
12. Declaration of the Board of Directors on the company's financial statements for the year 1990.
13. Declaration of the Board of Directors on the company's financial statements for the year 1991.
14. Declaration of the Board of Directors on the company's financial statements for the year 1992.
15. Declaration of the Board of Directors on the company's financial statements for the year 1993.
16. Declaration of the Board of Directors on the company's financial statements for the year 1994.
17. Declaration of the Board of Directors on the company's financial statements for the year 1995.
18. Declaration of the Board of Directors on the company's financial statements for the year 1996.
19. Declaration of the Board of Directors on the company's financial statements for the year 1997.
20. Declaration of the Board of Directors on the company's financial statements for the year 1998.
21. Declaration of the Board of Directors on the company's financial statements for the year 1999.
22. Declaration of the Board of Directors on the company's financial statements for the year 2000.

BELL'S
SCOTCH WHISKY
BELL'S

6 Forward bookings are permitted on two previous days.

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